



भारत का राजपत्र The Gazette of India

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NEW DELHI, SATURDAY, OCTOBER 16, 1993/ASVINA 24, 1915

इस भाग में निम्न एक संख्या की जाती है जिससे कि वह मूल संकलन से अलग हो
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएं

Statutory Orders and notifications issued by the Ministries of the Government of India (other than
Ministry of the Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 27 सितम्बर, 1993

का. भा. 2145 :—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मणिपुर राज्य सरकार की सहमति से, आदेश सं. 2/8/52/89-एच. तारीख 27-2-93 द्वारा दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार निम्नलिखित अपराधों के अन्वेषण के लिए संपूर्ण मणिपुर राज्य पर करती है, अर्थात्:—

(क) भारतीय दण्ड संहिता की धारा 411 और 414 के अधीन, लिटन पुलिस थाना में रजिस्ट्रीकृत अपराध सं. 39 (3)/92-1

(ख) ऊपर वर्णित एक या अधिक अपराधों और उन्हीं तथ्यों से उद्भूत होने वाले उसी संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध या अपराधों के संबंध में या उनसे संसक्त प्रयत्न, दुष्प्रेरण और षडयंत्र।

[संख्या 228/45/93-ए.पी.सी.-II]

भार. एस. विष्ट, प्रकर सचिव

MINISTRY OF PERSONNEL

PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 27th September, 1993

S.O. 2145.—In exercise of the powers conferred by sub-section (i) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with consent of the State Government of Manipur vide order No. 2/8(52)/89-H, dated 27-2-1993 hereby extends the powers and jurisdiction of the members

of the Delhi Special Police Establishment to the whole of the State of Manipur for investigation of offences, namely:—

- (a) Crime No. 39(3)/92 registered with Litan Police Station under Sections 411, 414 of the Indian Penal Code.
- (b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offences or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/45/93-AVD-II]

R. S. BISHT, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 14 सितम्बर, 1993

स्टाम्प

का. प्रा. 2146 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा असमब्रुक लिमिटेड, कलकत्ता को मात्र दस लाख बीससौ हजार घाट सौ दो रुपये का समेकित स्टाम्प शुल्क भुगतान करने की अनुमति देती है जो कि उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र बारह करोड़ पाँच लाख बीस हजार पाँच रुपये के कुल मूल्य के 250-250 रु. के अंकित मूल्य के 000001 से 482134 तक की विशिष्ट संख्या वाले शुभ्य ब्याज के पूर्ण रूप से परिवर्तनीय ऋण-पत्रों पर स्टाम्प शुल्क के कारण प्रभाव है।

[सं. 28/93-स्टाम्प / का. सं. 33/17/93-वि. क.]

आत्मा राम, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 14th September, 1993

STAMPS

S.O. 2146.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamps Act, 1899 (2 of 1899), the Central Government hereby permits the Asambrook Limited, Calcutta to pay consolidated stamp duty of rupees ten lakh eighty four thousand eight hundred two only chargeable on account of the stamp duty on zero interest Convertible Debentures bearing distinctive numbers fully to 482134 of the face value of rupees two hundred fifty each of the aggregate value of rupees twelve crores five lakhs thirty three thousand five hundred only to be issued by the said Company.

[No. 28/93-Stamps/F. No. 33/17/93-ST]

ATMA RAM, Under Secy.

नई दिल्ली, 24 सितम्बर, 1993

मुख्यालय स्थापना

का. प्रा. 2147 :—केन्द्रीय सरकार, केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 का 54) के खण्ड 3,

उपखंड (2) में प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय राजस्व सेवा (आयकर) के अधिकारी, श्री बी. के. सिन्हा को, जो इससे पूर्व मुख्य आयकर आयुक्त, नई दिल्ली, के रूप में तैनात थे, दिनांक 20 सितम्बर, 1993 (अपराह्न) से और घण्टा आदेश होने तक केन्द्रीय प्रत्यक्ष कर बोर्ड का सदस्य नियुक्त करती है।

[क्र.सं. ए-19011/10/93-प्रशा. 1]

रमेश कुमार, अवर सचिव

New Delhi, the 24th September, 1993

HEADQUARTERS ESTABLISHMENT

S.O. 2147.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Central Board of Revenue Act, 1963 (54 of 1963), the Central Government hereby appoints Shri B. K. Sinha, an officer of the Indian Revenue Service (Income-tax) and formerly posted as Chief Commissioner of Income-tax, New Delhi, as Member of the Central Board of Direct Taxes with effect from the afternoon of the 20th September, 1993 and until further orders.

[F. No. A-19011/10/93-Ad.I]

RAMESH KUMAR, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 20 सितम्बर, 1993

का. प्रा. 2148 :—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 की 61) की धारा 6 की उपधारा (2) के साथ पठित उसकी उपधारा (1) के खण्ड (छ) और धारा 8 की उपधारा (1) के खण्ड (क) के अनुसार में केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री एस. के. कालिया, वर्तमान मुख्य महाप्रबंधक, राष्ट्रीय कृषि और ग्रामीण विकास बैंक, को उनके कार्य-भार ग्रहण करने की तारीख से 31 अक्टूबर, 1996 तक की अवधि के लिए उसी संस्थान के प्रबंध निदेशक के रूप में नियुक्त करती है।

[संख्या एफ़. 7/17/92-वी. ओ. -1]

एस. एस. सोतासमन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 20th September, 1993

S.O. 2148.—In pursuance of clause (g) of sub-section (1) of section 6 read with sub-section (2) thereof and clause (a) of sub-section (1) of section 8 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government in consultation with Reserve Bank of India hereby appoints Shri S. K. Kalia, presently Chief General Manager, National Bank for Agriculture and Rural

Development as the Managing Director of the same institution for a period from the date of his taking charge and upto 31st October, 1996.

[F. No. 7/17/92:B.O.]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 24 सितम्बर, 1993

का. भा. 2149 :—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उपधारा (6) के खण्ड (क) के उपखण्ड (III) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 5 अप्रैल, 1988 की अपनी अधिसूचना संख्या 15/10/87-बी. ओ. III को अधिक्रमित करते हुए अब से केवल उन प्राथमिक सहकारी बैंकों को, जिन्हें लाइसेंस प्राप्त है और जिनकी मांग और सावधि देनदारियां 100 करोड़ रुपये से कम नहीं हैं, उक्त उप-खण्ड के प्रयोजन के वास्ते वित्तीय संस्थाओं के रूप में अधिसूचित करती है।

[सं. 10(12)/93-विकास]

पी. के. तेजयान, अधीक्षक

New Delhi, the 24th September, 1993

S.O. 2149.—In exercise of the powers conferred by sub-clause (iii) of clause (a) of sub-section (6) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), Central Government, in supersession of earlier Notification No. 15/10/87-BO-III dt. April 5, 1988, notifies henceforth only such of the primary co-operative banks which are licensed and whose Demand and Time Liabilities are not less than Rs. 100 crores, as financial institutions for the purpose of the said sub-clause.

[F. No. 10(12)/93-Dev]

P. K. TEJYAN, Under Secy.

मानव संसाधन विकास मंत्रालय (शिक्षा विभाग)

नई दिल्ली, 29 सितम्बर, 1993

का. भा. 2150 :—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अन्तर्गत निम्नलिखित केन्द्रीय विद्यालयों को जिसमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

1. केन्द्रीय विद्यालय,
सी.टी.पी.एस. चन्द्रपुरा,
जिला—बोकारो (बिहार)
2. केन्द्रीय विद्यालय,
उत्तरी कानपुर क्षेत्र,
इकरा, जिला—रांची
(बिहार)

3. केन्द्रीय विद्यालय,
नं. 1, हाथीबकला,
देहरादून।
4. केन्द्रीय विद्यालय,
कन्नपुरा,
बिहार।
5. केन्द्रीय विद्यालय,
अहमदाबाद कैंट,
अहमदाबाद।
6. केन्द्रीय विद्यालय,
दमोह (म.प्र.)
7. केन्द्रीय विद्यालय,
सी.सी.आई. तान्दूर,
आन्ध्र प्रदेश।
8. केन्द्रीय विद्यालय नं. 2,
तुलसी मार्ग,
मांसी कैंट (उ.प्र.)

[सं. 11011-2/92-रा.भा.ए.]

रमेश कुमार आगिरस, निदेशक (राजभाषा)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT (Department of Education)

New Delhi, the 29th September, 1993

S.O. 2150.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (use for Official purposes of the union) Rules, 1976, the Central Govt. hereby notifies the following Kendriya Vidyalayas under the Ministry of Human Resource Development (Deptt. of Education) more than 80% staff of which has working knowledge of Hindi :—

1. Kendriya Vidyalaya,
C.T.P.S. Chandrapura,
Distt. Bokaro (Bihar)
2. Kendriya Vidyalaya,
North Kanpur area, Dakra,
Distt. Ranchi, (Bihar)
3. Kendriya Vidyalaya,
No. 1, Hathibarkala, Dehradun.
4. Kendriya Vidyalaya,
Chandrapura, Bihar.
5. Kendriya Vidyalaya,
Ahmedabad Cantt. Ahmedabad.
6. Kendriya Vidyalaya, Damoh (M.P.)
7. Kendriya Vidyalaya, C.C.I., Tandur (A.P.)
8. Kendriya Vidyalaya, No. 2,
Tulsi, Marg, Jhansi Cantt. (U.P.)

[सं. 11011-2/92-O.L.U.]

R.K. ANGIRAS, Director (O.L.)

नई दिल्ली, 29 सितम्बर, 1993

New Delhi, the 29th September, 1993

का. भा. 2151 :—विश्वविद्यालय अनुदान आयोग अधिनियम, 1956 (1956 का 3) के खण्ड 6 के उपखण्ड (1) (ग) के साथ पठित खण्ड 5 के उप-खण्ड (1) तथा (3) (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार प्रो. राम लाल पारिख के स्थान पर प्रो. (श्रीमती) खेरमा लिंगदोह को तीन वर्ष की अवधि के लिए विश्वविद्यालय अनुदान आयोग का सदस्य नियुक्त करती है।

S.O. 2151.—In exercise of the powers conferred by sub-section (1) and (3) (c) of section 5 read with sub-section (1)(c) of section 6 of the University-Grants Commission Act, 1956 (3 of 1956), the Central Government hereby appoints Prof. (Mrs.) Kherma Lyngdoh to be a Member of the University Grants Commission for a term of three years vice Prof. Ramlal Parikh.

[सं. एफ. 4-16/93-यू.-I]

[F. No. 4-16/93-U.I]

पी. वी. बलसाला जी. कुट्टी, उपा सचिव

P. V. VALSALA G KUTTY, Dy. Secy.

पर्यावरण और वन मंत्रालय

नई दिल्ली, 29 सितम्बर, 1993

का.भा. 2152.—केन्द्रीय सरकार, वन्यजीव (संरक्षण) अधिनियम, 1972 (1972 का 53) की धारा 47, 48, 50, 54 और 55 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पर्यावरण एवं वन मंत्रालय, भारत सरकार की दिनांक 21-7-88 की अधिसूचना सं. 2-24/87-वन्यजीव-I के अधिक्रमण में इस प्रकार के अधिक्रमण से पूर्व किये गए अथवा न किये गए कार्यों के संबंध में, नीचे अनुसूची के कॉलम-2 में विनिर्दिष्ट अधिकारियों को उक्त अनुसूची के कॉलम-3 में प्रत्येक तत्स्थानों प्रविष्टि के सामने विनिर्दिष्ट उनकी अधिकारिता के क्षेत्र में इस अनुसूची के कॉलम-4 में विनिर्दिष्ट शक्तियों का प्रयोग करने के अधिकार देती है, अर्थात्

अनुसूची

क्रम सं.	अधिकारी का पदनाम	अधिकारिता का क्षेत्र	वन्यजीव (संरक्षण) अधिनियम, 1972 की धारा, जिसके तहत शक्तियां प्रदान की गई हैं।
1	2	3	4
1.	प्रादेशिक उप निदेशक, वन्यजीव परिरक्षण, उत्तरी क्षेत्र, बैरक नं.-5, बीकानेर हाउस, शाहजहाँ रोड, नई दिल्ली।	उत्तर प्रदेश, पंजाब, हरियाणा, हिमाचल प्रदेश, जम्मू-कश्मीर राज्य और दिल्ली तथा चंडीगढ़ संघ राज्य क्षेत्र।	धारा 47, 48, 50 और 54
2.	सहायक निदेशक, वन्यजीव परिरक्षण, उप-क्षेत्रीय कार्यालय, उत्तरी क्षेत्र, भकान नं.-115-ए, अवरोल नगर, पठानकोट।	उत्तर प्रदेश, पंजाब, हरियाणा, हिमाचल प्रदेश, जम्मू-कश्मीर राज्य और दिल्ली तथा चंडीगढ़ संघ राज्य क्षेत्र।	धारा 47, 48, 50 और 55
3(i)	वन्यजीव निरीक्षक, क्षेत्रीय कार्यालय, वन्यजीव परिरक्षण, उत्तरी क्षेत्र, बैरक नं.-5, बीकानेर हाउस, शाहजहाँ रोड, नई दिल्ली।	उत्तर प्रदेश, पंजाब, हरियाणा, हिमाचल प्रदेश, जम्मू-कश्मीर राज्य और दिल्ली तथा चंडीगढ़ संघ राज्य क्षेत्र।	धारा 47(ब) और 50

1	2	3	4
(ii) वन्यजीव निरीक्षक, उप क्षेत्रीय कार्यालय, उत्तरी क्षेत्र, मकान नं.-115-ए, अवरोल नगर, पठानकोट।		उत्तर-प्रदेश, पंजाब, हरियाणा, हिमाचल प्रदेश, जम्मू- कश्मीर राज्य और दिल्ली तथा चंडीगढ़ संघ राज्य क्षेत्र।	धारा-47(ख) और 50
4. प्रादेशिक उप निदेशक, वन्यजीव परिरक्षण, पूर्वी क्षेत्र, निजाम पैलेस, दूसरी एम.एस. ओ. बिल्डिंग, छठी मंजिल, 234/4, ए. जे. सी. बोस रोड, कलकत्ता-700 020		पश्चिम बंगाल, बिहार, असम, अरुणाचल प्रदेश, सिक्किम, मिजोरम, नागालैण्ड, त्रिपुरा, मेघालय और मणिपुर राज्य।	धारा 47, 48, 50 और 54
5. सहायक निदेशक, वन्यजीव परिरक्षण, उप-क्षेत्रीय कार्यालय, पूर्वी क्षेत्र ब्लू हिल कॉम्प्लेक्स, एच. पी. ब्रह्मचारी रोड, रेहाबाड़ी, गुवाहाटी।		पश्चिम बंगाल, बिहार, असम, अरुणाचल प्रदेश, सिक्किम, मिजोरम, नागालैण्ड, त्रिपुरा, मेघालय और मणिपुर राज्य।	धारा 47, 48, 50 और 55
6.(i) वन्यजीव निरीक्षक, क्षेत्रीय कार्यालय, वन्यजीव परिरक्षण, पूर्वी क्षेत्र, निजाम पैलेस, दूसरी एम.एस.ओ. बिल्डिंग, छठी मंजिल, 234/4, ए. जे. सी. बोस रोड, कलकत्ता।		पश्चिम बंगाल, बिहार, असम, अरुणाचल प्रदेश, सिक्किम, मिजोरम, नागालैण्ड, त्रिपुरा, मेघालय और मणिपुर राज्य।	धारा 47(ख) और 50
(ii) वन्यजीव निरीक्षक, उप क्षेत्रीय कार्यालय, वन्यजीव परिरक्षण, पूर्वी क्षेत्र, ब्लू हिल कॉम्प्लेक्स, एच. पी. ब्रह्मचारी रोड, गुवाहाटी।		पश्चिम बंगाल, बिहार, असम, अरुणाचल प्रदेश, सिक्किम, मिजोरम, नागालैण्ड, त्रिपुरा, मेघालय और मणिपुर राज्य।	धारा 47(ख) और 50
7. प्रादेशिक उप निदेशक, वन्यजीव परिरक्षण, दक्षिणी क्षेत्र, सी-5, ब्राउन स्टोन अपार्टमेंट्स, महालिंगपुरम, मद्रास-34		तमिलनाडु, आंध्र प्रदेश, केरल, कर्नाटक, उड़ीसा राज्य और अंडमान निकोबार द्वीप, लक्षद्वीप तथा पांडिचेरी संघ राज्य क्षेत्र।	धारा 47, 48, 50 और 54
8. सहायक निदेशक, वन्यजीव परिरक्षण, उप क्षेत्रीय कार्यालय, दक्षिणी क्षेत्र, 14/18, चुल्लीकल, कोचीन-682 005		तमिलनाडु, आंध्र प्रदेश, केरल, कर्नाटक, उड़ीसा, राज्य और अंडमान निकोबार द्वीपसमूह, लक्ष- द्वीप तथा पांडिचेरी संघ राज्य क्षेत्र।	धारा 47, 48, 50 और 55
9.(i) वन्यजीव निरीक्षक, क्षेत्रीय कार्यालय, वन्यजीव परिरक्षण, दक्षिणी क्षेत्र, सी-5, ब्राउन स्टोन अपार्टमेंट्स, महालिंगपुरम, मद्रास-34		तमिलनाडु, आंध्र प्रदेश, केरल, कर्नाटक, उड़ीसा राज्य और अंडमान निकोबार द्वीप, लक्ष- द्वीप तथा पांडिचेरी संघ राज्य क्षेत्र।	धारा 47(ख) और 50
(ii) वन्यजीव निरीक्षक, उप क्षेत्रीय कार्यालय, दक्षिणी क्षेत्र, 14/18, चुल्लीकल, कोचीन-682 005		तमिलनाडु, आंध्र प्रदेश, केरल, कर्नाटक, उड़ीसा राज्य और अंडमान निकोबार द्वीप, लक्षद्वीप तथा पांडिचेरी संघ राज्य क्षेत्र।	धारा 47(ख) और 50
10. प्रादेशिक उप निदेशक, वन्यजीव परिरक्षण, पश्चिमी क्षेत्र, 11, एयर कार्गो कॉम्प्लेक्स, सहार, मुम्बई-99		महाराष्ट्र, गुजरात, मध्य प्रदेश, राजस्थान, गोवा राज्य और दमन और दीव तथा दादरा और नागर हवेली संघ राज्य क्षेत्र।	धारा 47, 48, 50 और 54

1	2	3	4
11.	वन्यजीव निरीक्षक, क्षेत्रीय कार्यालय, वन्यजीव परिरक्षण, पश्चिमी क्षेत्र, 11, एयर फार्गो कॉम्प्लेक्स, सह्यार, मुंबई-99	महाराष्ट्र, गुजरात, मध्य प्रदेश, राजस्थान, गोवा राज्य और दमन और दीव तथा दादरा और नगर हवेली संघ राज्य क्षेत्र	धारा 47(ख) और 50

[सं. 2-16/91-उत्तर. एल.-1]

सर्वेक्षक सा, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi, the 29th September, 1993

S.O. 2152—In exercise of the powers conferred by sections 47, 48, 50, 54 and 55 of the Wild Life (Protection) Act, 1972 (53 of 1972) and in supersession of the notification of Government of India in the Ministry of Environment and Forests No. 2-24/87-WL-I dated 21-7-1988 as respects things done or omitted to be done before such supersession, the Central Government hereby empowers the officers mentioned in column (2) in respect of the area specified against each in the corresponding entry in column (3) of the Schedule given below to exercise powers specified in column (4) of the Schedule, namely:—

SCHEDULE

Sl. No.	Designation of Officer	Area of jurisdiction	Sections of Wild Life (Protection) Act 1972 under which powers are conferred
(1)	(2)	(3)	(4)
1.	Regional Dy. Director, Wildlife Preservation, Northern Region, Barrack No. 5, Bikaner House, Shahjahan Road, New Delhi.	The States of Uttar Pradesh, Punjab, Haryana, Himachal Pradesh, Jammu & Kashmir and Union Territories of Delhi and Chandigarh.	Sections 47, 48, 50 & 54.
2.	Assistant Director, Wildlife Preservation, Sub-Regional Office, Northern Region, H.No. 115-A, Abrol Nagar, Pathankot.	The States of Uttar Pradesh, Punjab, Haryana, Himachal Pradesh, Jammu & Kashmir, and Union Territories of Delhi and Chandigarh.	Sections 47, 48, 50 & 55.
3.	(i) Wildlife Inspector, Regional Office, Wildlife Preservation, Northern Region, Barrack No. 5, Bikaner House, Shahjahan Road, New Delhi. and (ii) Wildlife Inspector, Sub-Regional Office, Northern Region, H.No. 115-A, Abrol Nagar, Pathankot.	The States of Uttar Pradesh, Punjab, Haryana, Himachal Pradesh, Jammu & Kashmir and Union Territories of Delhi and Chandigarh.	Sections 47(b) and 50.
4.	Regional Dy. Director, Wildlife Preservation, Eastern Region, Nizam Place, 2nd MSO Bldg., 234/4 AJC Bose Road, Calcutta-700020.	States of West Bengal, Bihar, Assam, Arunachal Pradesh, Sikkim, Mizoram, Nagaland, Tripura, Meghalaya and Manipur.	Sections 47, 48, 50 & 54.

(1)	(2)	(3)	(4)
5.	Assistant Director, Wildlife Preservation, Sub-Regional Office, Eastern Region, Blue Hill Complex, H.P. Brahmanchari Road, Rehabari, Guwahati.	States of West Bengal, Bihar, Assam, Arunachal Pradesh, Sikkim, Mizoram, Nagaland, Tripura, Meghalaya and Manipur.	Sections 47, 48, 50 & 55
6.	(i) Wildlife Inspector, Regional Office, Wildlife Preservation, Eastern Region, Nizam Place, 2nd MSO Bldg., 6th floor, 234/4 AJC Bose Road, Calcutta.	States of West Bengal, Bihar, Assam, Arunachal Pradesh, Sikkim, Mizoram, Nagaland, Tripura, Meghalaya and Manipur.	Section 47 (b) and 50
	(ii) Wildlife Inspector, Sub-Regional Office, Wildlife Preservation, Eastern Region, Blue Hill Complex, H.P. Brahmanchari Road, Guwahati.	The States of West Bengal, Bihar, Assam, Arunachal Pradesh, Sikkim, Mizoram, Nagaland, Tripura, Meghalaya and Manipur.	Sections 47 (b) and 50.
7.	Regional Dy. Director, Wildlife Preservation, Southern Region, C. 5, Brownstone Apppts., Mahalingapuram, Madras-34.	States of Tamil Nadu, Andhra Pradesh, Kerala, Karnataka, Orissa and Union Territories of Andaman & Nicobar Islands, Lakshdweep & Pondicherry.	Sections 47, 48, 50 & 54
8.	Assistant Director, Wildlife Preservation, Sub-Regional Office, Southern Region, xiv/18, Chullickal, Cochin.	States of Tamil Nadu, Andhra Pradesh, Kerala, Karnataka, Orissa & Union Territories of Andaman & Nicobar Island, Lakshdweep & Pondicherry.	Sections 47, 48, 50 & 55
9.	(i) Wildlife Inspector, Regional Office, Wildlife Preservation, Southern Region, C 5, Brownstone Apppts., Mahalingapuram, Madras.	States of Tamil Nadu, Andhra Pradesh, Kerala, Karnataka, Orissa and Union Territories of Andaman & Nicobar Island, Lakshdweep and Pondicherry.	Sections 47(b) & 50
	(ii) Wildlife Inspector, Sub-Regional Office, Southern Region, xiv/18, Chullickal, Cochin.	States of Tamil Nadu, Andhra Pradesh, Kerala, Karnataka, Orissa, & Union Territories of Andaman & Nicobar Island, Lakshdweep and Pondicherry.	Sections 47 (b) & 50
10.	Regional Deputy Director, Wildlife Preservation, Western Region, 11, Air Cargo Complex, Sahar, Bombay-400099.	States of Maharashtra, Gujarat, Madhya Pradesh, Rajasthan, Goa and Union Territories of Daman & Diu and Dadra and Nagar Haveli.	Sections 47, 48, 50 and 54
11.	Wildlife Inspector, Regional Office, Wildlife Preservation, Western Region, 11, Air Cargo Complex, Sahar, Bombay.	States of Maharashtra, Gujarat, Madhya Pradesh, Rajasthan, Goa and Union Territory of Daman & Diu & Dadra and Nagar Haveli.	Sections 47(b) and 50.

[No. 2-16/91-WL-I]

SARWESHWAR JHA, Jt. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय
नई दिल्ली, 27 सितम्बर, 1993

का. जा. 2151:—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य से कांबला से पंजाब राज्य में भटिंडा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन प्रायल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना में उपनाम अनुसूची में वर्णित भूमि के उपयोग के अधिकार का भ्रंजन करना आवश्यक है;

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का भ्रंजन) अधिनियम, 1962 (1962 का. 90)

की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का भ्रंजन करने के अपने प्रायश की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में निम्नलिखित कोई व्यक्ति, राज्य में या प्रस्तावित इस अधिसूचना की शक्तियों साधारण जनता की उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार के भ्रंजन या भूमि में पाइपलाइन बिछाने के संबंध में प्राप्ति निश्चित रूप में श्री एच. एस. वागडा, संतर्क अधिकारी और सभ्य प्राधिकारी, इंडियन प्रायल कारपोरेशन लिमिटेड, कांबला-भटिंडा पाइपलाइन परियोजना, डी-4/5/बी, मुम्बई, मार्ग, "सी" स्तंभ, जयपुर-302001 को कर सकेगा।

प्रतिसूची				
तहसील - 'आबू रोड'	जिला - 'मिरोही'	राज्य - 'राजस्थान'		
गाँव का नाम	खसरा नम्बर	क्षेत्रफल		
		हेक्टेयर	घार	वर्ग-मीटर
1	2	3	4	5
खारा	38	00	02	75
वासड़ा	817	00	01	25
	820	00	01	20
	821	00	02	80
मावल	515	00	03	70
	517	00	17	75
	521	00	02	60
	606	00	09	55
	634	00	05	05
आम्बा	8	00	04	05
	9	00	03	60
	3	00	00	80
	5	00	04	10
	10	00	06	40
	11	00	10	10
	12	00	04	80
	13	00	00	15
	240	00	08	05
	97	00	02	70
चन्द्रावती	543	00	00	15
आबू रोड	129	00	00	50
	130	00	12	25
	131	00	03	60
	163	00	10	50
	164	00	00	15
खदत	146	00	12	60
	271	00	11	40
	319	00	24	20

[सं. आर-31015/30/93-ओ. आर. I]

कुलदीप सिंह, धवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 27th September, 1993

S.O. 2153.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user thereon or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Abu Road District : Sirahi Stat : Rajasthan				
Name of Village	Khasra No.	Area		
		Hec-tare	Are	Centiare
1	2	3	4	5
Khara	38	00	02	75
Wasra	817	00	01	25
	820	00	01	20
	821	00	02	80
Maval	515	00	03	70
	517	00	17	75
	521	00	02	60
	606	00	09	55
	634	00	05	05
Amba	8	00	04	05
	9	00	03	60
	3	00	00	80
	5	00	04	10
	10	00	06	40
	11	00	10	10
	12	00	04	80
	13	00	00	15
	240	00	08	05
	97	00	02	70
Chandrawati	543	00	00	15
Abu Road	129	00	10	50
	130	00	12	25
	131	00	03	60
	163	00	10	50
	164	00	00	15
Khadat	146	00	12	60
	271	00	11	40
	319	00	24	20

[No. R-31015/30/93-O.R.-I]
KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

का. प्रा. 2154.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य में कान्हाला से पंजाब राज्य में बटिन्डा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इच्छित प्रायल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए।

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयत्नों के लिए इस अधिसूचना से उपाय्य अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः केन्द्रीय सरकार पेट्रोलियम, और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपत्ति लिखित रूप में श्री एच. एस. बागड़ा, संपर्क अधिकारी और सक्षम प्राधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड, कान्डला-भटिन्दा पाइपलाइन परियोजना, सी-45/बी सुभाष मार्ग, "सी" स्कीम जयपुर-302001 को कर सकेगा।

अनुसूची

तहसील : पिण्डवारा	जिला : सिरोंही	राज्य : राजस्थान		
गांव का नाम	खसरा नम्बर	क्षेत्रफल		
		हेक्टेयर	आर	वर्ग-मीटर
1	2	3	4	5
भारजा	701	00	21	66
	743	00	50	00
	860	00	00	10
	861	00	05	99
	864	00	05	95
बनास	81	00	03	60
	82	00	02	85
घोसीयावा	46	00	02	75
	48	00	04	40
पिण्डवारा	2630	00	00	80
	2667	00	00	22
	2668	00	02	63
	2806	00	04	00
	2820	00	02	88

[सं. भा. - 31015/30/93 - ओ. आर.-I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 27th September, 1993

S.O. 2154.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

2194 GI/93—2

Now, therefore, in exercise of the powers conferred by sub section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subharh Marg, 'C' Scheme, Jaipur-302 001

SCHEDULE

Tehsil : Pindwara	District : Sirohi	State : Rajasthan		
Name of Village	Khasra No.	Area		
		Hectare	Acres	Centiare
1	2	3	4	5
Bharja	701	00	21	66
	743	00	50	00
	860	00	00	10
	861	00	05	99
	864	00	05	95
Banas	81	00	03	60
	82	00	02	85
Ghodiya	46	00	02	75
	48	00	04	40
Pindwara	2630	00	00	80
	2667	00	00	22
	2668	00	02	63
	2806	00	04	00
	2820	00	02	88

[No. R-31015/30/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

का. आ. 2154.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य में कान्डला से पंजाब राज्य में भटिन्दा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए।

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयत्नों के लिए इस अधिसूचना से उपाय्य अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अधुना में वर्णित भूमि में हिस्सा कोई व्यक्ति, राष्ट्रपति में यथा प्रस्तावित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार के अर्जन या भूमि में पड़ना इन विद्युत के संबंध में आपत्ति लिखित रूप में श्री एच. एस. बगेरा, उनके अधिकारी और सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कान्ढला-भटिन्डा पाइपलाइन परियोजना, डी-45/बी, सुभाष मार्ग, "सी" स्कीम, जयपुर-302001 को कर सकते हैं।

अधुना

ग्राम का नाम	खसरा नम्बर	क्षेत्रफल	हेक्टेयर	वर्ग मीटर
1	2	3	4	5
कोठार	785	00	03	25
	786	00	04	40
कुमटिया	57	00	02	78
	79	00	26	00
बेड़ा	935	00	03	86
	939	00	05	85
	3669	00	02	85
	4768			
भाटून्दा	242	00	02	78
	355	00	00	60
	359	00	12	07
	707	00	02	78
सेसली	777	00	02	78
	810	00	05	85
	811	00	02	30
	838	00	16	25
	856	00	02	78
	943	00	08	40
	946	00	02	60
	947	00	02	78
	965	00	00	22
	966	00	02	55
कोट बालिया	1059	00	00	18
	1060	00	02	62
	1066	00	07	64
	1079	00	02	78
भटवड़ा	760	00	02	78
	862	00	12	28
	991	00	02	78

[सं. आर-31015/30/93-ओ. आर.-I]

कुलदीप सिंह, अधीक्षक सचिव

New Delhi, the 27th September, 1993

S.O. 2155.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Bali	District : Pali	State : Rajasthan			
Name of Village	Khasra No.	Area	Hec-tare	Are	Centiare
1	2	3	4	5	
Kothar	785	00	03	25	
	786	00	04	40	
Kumtiya	57	00	02	78	
	79	00	26	00	
Bera	935	00	03	86	
	939	00	05	85	
	3669/4768	00	02	85	
Bhatond	242	00	02	78	
	355	00	00	60	
	359	00	12	07	
	707	00	02	78	
Sesli	777	00	02	78	
	810	00	05	85	
	811	00	02	30	
	838	00	16	25	
	856	00	02	78	
	943	00	08	40	
	946	00	02	60	
	947	00	02	78	
Kot Baliyan	965	00	00	22	
	966	00	02	55	
	1059	00	00	18	
	1060	00	02	62	
	1066	00	07	64	
	1079	00	02	78	
Bhacetwara	760	00	02	78	
	862	00	12	28	
	991	00	02	78	

[No. R-31015/30/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

का. भा. 2156:—केन्द्रीय सरकार को यह प्रतीत होता है कि लाकड़ियों में आवश्यक है कि गुजरात राज्य में उड़स से पंजाब राज्य में भटिंडा तक राजस्थान और हरियाणा से हुकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा पइराइन बिछाई जाए।

और ऐसा प्रतीत होता है कि उक्त पइराइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उपाय अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पदार्थों का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अर्जन अणव को पारगम्य करता है।

उक्त अनुसूची में वर्णित भूमि में लिखित कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पइराइन बिछाने के संबंध में आपत्ति लिखित रूप में श्री एच. एस. बागड़ा, संपर्क अधिकारी और सचिव अधिकाारी, इंडियन ऑयल कार्पोरेशन लिमिटेड, कांडला-भटिंडा पइराइन परियोजना, सी-45बी, सुभाष मार्ग, "सी" स्कीम, जयपुर-302001 को कर सकते हैं।

अनुसूची

तहसील : देसुरी	जिला : पाली	राज्य : राजस्थान		
गांव का नाम	खसरा नम्बर	क्षेत्रफल		
		हेक्टेयर	अर	बर्गमीटर
1	2	3	4	5
बड़ोद	26	00	02	78
	62	00	08	50
	72	00	00	22
	73	00	06	25
	76	00	02	78
	88	00	04	00
	170	00	00	32
	173	00	03	25
बालोण	4	00	03	60
	5	00	12	00
	6	00	02	80
	48	00	03	25
	352	00	15	25
	361	00	12	45
	362	00	02	78
नाडोल	4685	00	02	75
	4687	00	09	60
	4688	00	02	75
गुडा केशरमिह	14	00	00	10
	18	00	00	48
जीवन्ध धुरे	129	00	02	63

1	2	3	4	5
	110	00	00	21
	112	00	05	82
	113	00	02	22
बोरडी	114	00	02	75
	349	00	01	60
	600	00	08	11
	613	00	02	75
पिनीवा	873	00	02	75
	1011	00	15	00
सिंदरा	20	00	03	75
	65	00	17	25
	70	00	02	70
	81	00	00	15
	246	00	02	75

[अ. क्र. - 31015/30/93-अ. क्र.-1]

कुलदेव सिंह, अवर सचिव

New Delhi, the 27th September, 1993

S.O. 2156.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45(B), Subhash Marg, 'C' Scheme, Jaipur-302 001

SCHEDULE

Tehsil : Desuri	District : Pali	State : Rajasthan		
Name of Village	Khasra No.	Area		
			He- tar	Ac- re
1	2	3	4	5
Barod	26	00	02	78
	62	00	08	50
	72	00	00	22
	73	00	06	25
	76	00	02	78

1	2	3	4	5
	88	00	04	00
	170	00	00	32
	173	00	03	25
Dhalop	4	00	03	60
	5	00	12	00
	6	00	02	80
	48	00	03	25
	352	00	15	25
	361	00	12	45
	362	00	02	78
Nadol	4685	00	02	75
	4687	00	09	60
	4688	00	02	75
Gura K. Singh	14	00	00	10
	18	00	00	48
Jiwand Khurd	129	00	02	63
	130	00	00	23
	132	00	05	82
	133	00	02	22
Bordli	333	00	02	75
	349	00	01	60
	600	00	08	11
	613	00	02	75
P. J. J. J. J.	873	00	02	75
	1011	00	15	00
Siwas	20	00	03	75
	65	00	17	25
	70	00	02	70
	81	00	00	00
	246	00	02	75

[No. R-31015/30/93-C.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 27, सितम्बर, 1993

क्र.सं. 2157:—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में आवश्यक है कि गुजरात राज्य में कान्हा से पंजाब राज्य में भटिन्डा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए ,

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिभूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का भर्जन करना आवश्यक है ,

अतः केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का भर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का भर्जन करने के अपने आशय की घोषणा करती है ;

इस अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजाज में दखल प्रकाशित इस अधिभूचना की प्रतियों साधारण जनता को उपलब्ध कर दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार के भर्जन की भूमि में पाइपलाइन बिछाने के संबंध में आवृत्ति निश्चित रूप में ओ.ए.ए.ए.ए. वा.इ.डी. मार्क अधिकारी और सक्षम प्राधिकारी द्वारा ऑयल कॉरपोरेशन लिमिटेड, कान्हा-भटिन्डा पाइपलाइन परियोजना, ई.ए.डी. 5, ई.ए.डी. मार्क, "सी" स्कीम, जयपुर-302 001 को कर सकेगा।

अनुसूची				
तहसील : खारची	जिला : पाली	राज्य : राजस्थान		
गाँव का नाम	खतान नम्बर	क्षेत्रफल		
		हेक्टेयर	घार	वर्ग-मीटर
1	2	3	4	5
देवली	1012	00	00	22
	1014	00	02	53
	1036	00	03	20
	1039	00	25	55
	1043	00	03	75
गुडा केशरसिंह	109	00	02	75
	116	00	13	10
	129	00	03	75
भाऊदा	1268	00	13	42
	1374	00	03	00
	2335	00	09	00
	2336	00	06	00
	2339	00	67	05
बागबोष	220	00	02	75
	242	00	03	80
	247	00	00	15
	250	00	04	70
रडावास	1	00	03	25
	2	00	02	75
गाधाणा	263	00	25	95
	274	00	10	75
कन्टालिया	19	00	02	85
	372	01	21	30
	377	00	02	75
बोरनड़ी	237	00	02	85
	238	00	05	00
	260	00	02	85
गुडगड़ी	87	00	18	10
	106	00	02	75

[सं. आर-31015/30/93-ओ.आर.-I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 27th September, 1993

S.O. 2157.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Kharchi	District : Pali	State : Rajasthan		
Name of Village	Khasra No.	Area	Hac-	Are Cn-
1	2	3	tare	tlare
Dcoli	1012	00	00	22
	1014	00	02	53
	1036	00	03	20
	1039	00	25	55
	1043	00	03	75
Gura Kesarsingh	109	00	02	75
	116	00	13	10
	129	00	03	75
Auwa	1268	00	13	42
	1374	00	03	00
	2335	00	09	00
	2336	00	06	00
	2339	00	67	05
Angdosh	220	00	02	75
	242	00	03	80
	247	00	00	15
	250	00	04	70
Radawas	1	00	03	25
	2	00	02	75
Gadhana	263	00	25	95
	274	00	10	75
Kantaliya	19	00	02	85
	372	00	21	30
	377	00	02	75
Bornari	237	00	02	85
	238	00	05	00
	260	00	02	85
Gandagari	87	00	18	10
	106	00	02	75

[No. R-31015/30/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

कां०आ० 2158 :—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य से कांडला से पंजाब राज्य में भटिंडा तक राजस्थान और हरियाणा से होकर पैट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उद्घाटन अनुसूची में वर्णित भूमि के उपयोग के अधिकार का भर्जन करना आवश्यक है ;

अतः केन्द्रीय सरकार पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का भर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का भर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हिनब्रद कोई व्यक्ति राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिनों के भीतर उसमें उपयोग के अधिकार के भर्जन या भूमि में पाइपलाइन बिछाने के संबंध में अपात लिखित रूप में श्री एच०एस० बागडा संपर्क अधिकारी और सभ्य प्राधिकारी इंडियन ऑयल कॉर्पोरेशन लिमिटेड कांडला-भटिंडा पाइपलाइन परियोजना डी-45/बी, गुवाण मार्ग, "सी" स्कीम, जयपुर-302 001 को कर सकेगा।

अनुसूची

तहसील: सोजत	जिला: पाली	राज्य: राजस्थान		
गांव का नाम	खसरा नम्बर	क्षेत्रफल	हैक्टर	वर्ग-मीटर
1	2	3	4	5
बगड़ी	5961/1	00	02	75
	5962	00	50	10
सिहपुरा	27	00	03	20
	37	00	03	60
	402	00	04	00
	557	00	06	45
	557/577	00	04	00
रायरा कला खुर	563	00	03	75
	1	00	02	08
	328	00	00	40

[सं० आर-31015/30/93-ओ०आर-1]

कुलदीप सिंह, अधर सचिव

New Delhi, the 27th September, 1993

S.O. 2158.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the

right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D 45[B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Sojat District : Pali State : Rajasthan

Name of Village	Khasra No.	Area		
		Hec-tare	Acre	Centi-tiare
1	2	3	4	5
Bagri	5061/1	00	02	75
	5062	00	30	10
Singhpura	27	00	03	20
	37	00	03	60
	402	00	04	00
	557	00	06	45
	557/577	00	04	00
Rayra Kala Khurd	563	00	03	75
	1	00	02	80
	326	00	00	40

[No. R-31015/30/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

का० प्रा० 2159--केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिन्डा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए :

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उल्लेखित भूमि में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है :

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अधिसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपूत में क्या प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपत्ति लिखित रूप में श्री एन.एस. बागडा, सार्क अधिकारी और सक्षम-प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड कांडला-भटिन्डा, पाइपलाइन परियोजना, डी-45/बी, सुभाष मार्ग "सी" स्कीम, जयपुर-302 001 को कर सकेगा।

अधिसूची

तहसील : रायपुर	जिला : पाली	राज्य : राजस्थान		
गांव का नाम	खसरा नम्बर	क्षेत्रफल		
		हेक्टेयर	एकर	सेन्टीमीटर
1	2	3	4	5
सबलपुरा	383	00	12	90
	385	00	02	90
	389	00	02	00
	407	00	07	20
	408	00	01	80
लघाना	104	00	14	50
	143	00	02	90
दीपावास	241	00	00	20
	242	00	08	25
	243	00	00	15
	345	00	02	50
	352	00	00	15
	353	00	00	15
	364	00	17	40
बिराटिया खुर्द	1202	00	01	90
	1204	00	02	75
	1218	00	04	40
	1219	00	02	75
जेनपुरा	317	00	00	15
	318	00	02	30
	319	00	01	25
	320	00	02	75
	321	00	02	40
	322	00	00	10
	324	00	02	00
	325	00	02	90
	329	00	00	10

[नं० आर-31015/30/93-ओ०प्रार०-I]

कुलदीप सिंह, धवर सचिव

New Delhi, the 27th September, 1993

S.O. 2159.--Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (59 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Ralpur	District : Pali	State : Rajasthan		
Name of Village	Khasra No.	Area	Hec-tare	Are Centiare
1	2	3	4	5
Sabalpara	383	00	12	90
	385	00	02	90
	389	00	02	00
	407	00	07	20
	408	00	01	80
Lawacha	104	00	14	50
	143	00	02	90
Decpawas	241	00	00	20
	242	00	08	25
	243	00	00	15
	345	00	02	50
	352	00	00	15
	353	00	00	15
	364	00	17	40
	1202	00	01	90
	1204	00	02	75
Biratiya Khurd	1218	00	04	40
	1219	00	02	75
Jaitpara	317	00	00	15
	318	00	02	30
	319	00	01	25
	320	00	02	75
	321	00	02	40
	322	00	00	10
	324	00	02	00
	325	00	02	90
	329	00	00	10

[No. R-31015/30/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

पारम्परिक 2160. - केन्द्रिय सरकार को यह प्रतीत होता है कि लोक-हित में आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिन्डा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए:

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इन अधिसूचना से उपाबद्ध भूमि में दणित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है:

अतः केन्द्रिय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अधिसूची में दणित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपत्ति निम्नलिखित रूप में श्री एच०एस० बागड़ा, संपर्क अधिकारी और सक्षम प्राधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड, कांडला-भटिन्डा पाइप लाइन परियोजना, डी-45/बी सुभाष मार्ग, "सी" स्कीम, जयपुर-302 001 को कर सकता है।

अधिसूची

तहसील : प्रजनेर	जिला : प्रजनेर	राज्य : राजस्थान		
गांव का नाम	खसरा नम्बर	क्षेत्रफल	हेक्टेयर	आर वर्ग-मीटर
1	2	3	4	5
सीढ़ी	3698	00	02	80
	3708	00	01	00
	3709	00	01	90
	3710	00	00	80
विडिक निगावास	5428	00	02	70
	5429	00	00	90
	5430	00	02	80
	5431	00	00	80
	5432	00	02	75

[डॉ० आर-31015/30/93 ओ० आर-1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 27th September, 1993

S.O. 2160. —Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Ajmer	District : Ajmer	State : Rajasthan
Name of Village	Khasra No.	Area
1	2	3 4 5
Leeri	3698	00 02 80
	3708	00 01 00
	3709	00 01 90
	3710	00 00 80
	5428	00 02 70
Bidakchiawas	5429	00 00 90
	5430	00 02 80
	5431	00 00 80
	5432	00 02 75

[No. R-31015/30/93-O.R.-I]
KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

कां०आ० 2161:—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिंडा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए :

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार वा अर्जन करना आवश्यक है;

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, राजपूत में क्या प्रभावित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के

अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपत्ति लिखित रूप में श्री एच०एस० बागड़ा, संपर्क अधिकारी और सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कांडला-भटिंडा पाइपलाइन परियोजना, डी-45/बी सुभाष मार्ग, 'सी' स्कीम, जयपुर-302 001 को कर सकेगा।

अनुसूची

तहसील : किशनगढ़	जिला : अजमेर	राज्य : राजस्थान
गांव का नाम	खसरा नम्बर	क्षेत्रफल
		हेक्टेयर आर वर्ग मीटर
1	2	3 4 5
कोटियाणा	72	00 01 45
	73	00 12 35
	102	00 00 15
	778	00 09 50
	780	00 06 00
	781	00 02 08
	782	00 01 26
	783	00 05 12
	785	00 12 00
	788	00 02 40
	789	00 19 89
	791	00 18 00
	792	00 14 40
	801/1	00 03 70
दसूक	798	00 12 10
	802/1	00 40 90
	831/1139	00 08 45
	814	00 08 45
	23	00 02 20
माण्डियावर कलां	33	00 05 05
	116	00 00 05
	133	00 00 20
	242	00 01 55
	261	00 00 60
भोली	262	00 00 40
	263	00 04 45

[सं० आर-31015/30/93-ओ आर-I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 27th September, 1993

S.O. 2161.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhiminda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Kishangarh District : Ajmer State : Rajasthan

Name of Village	Khasra No.	Area	Hec- tare	Are Cent- tiare
1	2	3	4	5
Gothiyan	72	00	01	45
	73	00	12	35
	102	00	00	15
	778	00	09	50
	780	00	06	00
	781	00	02	08
	782	00	01	26
	783	00	05	12
	785	00	12	00
	788	00	02	40
	789	00	19	89
	791	00	18	00
	792	00	14	40
	801/1	00	03	70
Dhasook	798	00	12	10
	802/1	00	40	90
	813/1139	00	08	45
	814	00	08	45
Mandiyawad Kalan	23	00	02	20
	33	00	05	05
Mothi	116	00	00	05
	133	00	00	20
	242	00	01	55
	261	00	00	60
	262	00	00	40
	263	00	04	45

[No. R-31015/30/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

का०प्रा० 2162 :- केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिंडा तक राजस्थान और हरियाणा में होकर पेट्रोलियम के परिवहन 2194 GI/93-3

के लिए इंडियन ऑयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपत्ति विहित रूप में श्री एच०एस० बागेरा, मंपर्क अधिकारी और सक्षम प्राधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड, कांडला-भटिंडा पाइप-लाइन परियोजना, डी-45/बी गुभाय मार्ग, 'सी' स्कीम, जयपुर-302 001 को कर सकेगा।

अनुसूची

तहसील : नसीराबाद	जिला : अजमेर	राज्य : राजस्थान
गांव का नाम	खसरा नम्बर	क्षेत्रफल
		हैक्टेयर आर वर्ग- मीटर
1	2	3 4 5
मनोव	3570	00 01 00
	3572	00 00 55
	3573	00 00 70
	3574	00 02 75
	3807	00 01 50
	4344	00 02 55
	4345	00 00 83
	4346	00 03 25
रामसर	1841	00 00 65
	1842	00 06 05
	1847	00 15 65
	5068	00 01 15
	5069	00 03 65
	5070	00 00 80
	5330	00 02 85
	5332	00 06 90
	5333	00 02 75
	5574	00 03 50
	5575	00 02 00
	6999	00 00 45
	7016	00 02 05
	7162	00 01 35
	7177	00 03 95
मावणिया	288	00 01 80
	289	00 19 05
	292	00 03 10

1	2	3	4	5
	295	00	11	05
	296	00	01	30
	605	00	00	15

[सं. प्रार-31015/30/93-ओ.प्रार-1]

कुलदीप सिंह, प्रवर सचिव

New Delhi, the 27th September, 1993

S.O. 2162.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum, and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D 45/B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Nasirabad District : Ajmer State : Rajasthan				
Name of Village	Khasra No.	Area		
		Hec-tare	Are	Centi-tiare
1	2	3	4	5
Sanod	3570	00	01	00
	3572	00	00	55
	3573	00	00	70
	3574	00	02	75
	3807	00	01	50
	4344	00	02	55
	4345	00	00	85
	4346	00	03	25
Ramsar	1841	00	00	65
	1842	00	06	05
	1847	00	15	65
	5068	00	01	15
	5069	00	03	65
	5070	00	00	80
	5330	00	02	85

1	2	3	4	5
Ramsar Contd.	5332	00	06	90
	5333	00	02	75
	5574	00	03	50
	5575	00	02	00
	6999	00	00	45
	7016	00	02	05
	7162	00	01	35
	7177	00	03	95
Maoshya	288	00	01	80
	289	00	19	05
	290	00	03	10
	295	00	11	05
	296	00	01	30
	605	00	00	15

[No. R-31015/30/93-O.R.-1]

KULDIPSINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

वा. प्रा. 2163.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य में कान्डला में पंजाब राज्य में भटिन्दा तक राजस्थान और हरियाणा में होकर पेट्रोलियम के परिवहन के लिए इंडियन आयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में जिसबद्ध कोई व्यक्ति, राजपक्ष में यथा प्रकाशित इस अधिसूचना की प्रतियाँ माध्यम जलवा को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपत्ति विनिश्चित रूप में श्री एच. एस. बागेरा, संपर्क अधिकारी और सहाम अधिकारी, इंडियन आयल कारपोरेशन लिमिटेड, कान्डला-भटिन्दा पाइपलाइन परियोजना डी-45/बी मुभाष मार्ग, "सी" स्कीम जयपुर 302001 को कर सकेगा।

अनुसूची

तहसील ब्याबर	जिला अजमेर	राज्य	राजस्थान	
गांव का नाम	खसरा नम्बर	क्षेत्रफल		
		हेक्टेयर	घार	वर्ग-मीटर
1	2	3	4	5
बाड़िया ब्यामा व गग्गा	393	00	02	75
	577	00	02	80
	581	00	00	80

1	2	3	4	5
ठीकराना मेदरतान	693	00	01	45
	698	00	00	30
	709	00	08	50
	746	00	02	15
	747	00	00	60
सेदरिया	13	00	00	10
	14	00	00	30
बलाद	1	00	01	10
	2	00	02	35
गर्हीथोरियां	1150	00	02	85
	1178	00	00	25
	1183	00	02	65
लाखेना	824	00	00	20
	867	00	02	60
	868	00	05	40
	869	00	03	20
	873	00	06	70
	1088	00	13	00
	1088/1093	00	04	90
कानाखेरा श्यामगढ़	2179	00	02	75
खरवा	6755	00	06	50
	6762	00	01	10
	6763	00	01	50
	6765	00	06	80

[सं.-आर 31015/30/93-ओ आर -I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 27th September, 1993

S.O. 2163.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in

the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45[B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Beawar	District : Ajmer	State : Rajasthan		
Name of Village	Khasra No.	Area		
		Hec- tare	Are	Centi- are
1	2	3	4	5
Badiya Shyama-Jagga	393	00	02	75
	577	00	02	80
	581	00	00	80
Theekrana Medratan	693	00	01	45
	698	00	00	30
	709	00	08	50
	746	00	02	15
	747	00	00	60
Sedariya	13	00	00	10
	14	00	00	30
Balad	1	00	01	10
	2	00	02	35
Garhi Thoriya	1150	00	02	85
	1178	00	00	25
	1183	00	02	65
Lakheena	824	00	00	20
	867	00	02	60
	868	00	05	40
	869	00	03	20
	873	00	06	70
	1088	00	13	00
	1088/1093	00	04	90
Kana Khera Shyamgarh	2179	00	02	75
Kharwa	6755	00	06	50
	6762	00	01	10
	6763	00	01	50
	6765	00	06	80

[No. R-31015/30/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

का. आ. 2164.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिन्डा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उपाय अनुमति में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियों साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपत्ति लिखित रूप में श्री एच. एस. बागडा, संपर्क अधिकारी और तत्सम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कांडला-भटिंडा पाइपलाइन परियोजना, डी-45/बी सुभाष मार्ग, "सी" स्कीम, जयपुर 302001 को कर सकेगा।

अनुसूची

तहसील : फागी	जिला : जयपुर	राज्य : राजस्थान		
गांव का नाम	खसरा नम्बर	क्षेत्रफल	अर्.	से.
1	2	3	4	5
मेहन्दावास	492	00	15	20
	1782	00	02	75
	1795	00	13	30
नीमेटा	2945	00	09	25
	2945/2	00	03	05
द्वारकापुरा उर्फ कोरिया	449	00	07	60
	451/1	00	08	80
	451/2	00	02	20
	456	00	07	00

[सं. आर. 31015/30/93-ओ. आर. - 1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 27th September, 1993

S.O. 2164.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302 001.

SCHEDULE

Tehsil : Phagi	District : Jaipur	State : Rajasthan		
Name of Village	Khasra No.	Area	Hee-	Are Cen-
			tare	tiare
1	2	3	4	5
Mehandwas	492	00	15	20
	1782	00	02	75
	1795	00	13	30
Neemeta	2945	00	09	25
	2945/2	00	03	05
Dwarka Pura Urf Koria	449	00	07	60
	451/1	00	08	80
	451/2	00	02	20
	456	00	07	00

[No. R-31015/30/93-O.R.-1]
KULDIP SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

का. आ. 2165—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में आवश्यक है कि गुजरात राज्य में कांडला में पंजाब राज्य में भटिंडा तक राजस्थान और हरियाणा में होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना में उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियों साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपत्ति लिखित रूप में श्री एच. एस. बागडा, संपर्क अधिकारी और तत्सम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कांडला-भटिंडा पाइपलाइन परियोजना, डी-45/बी सुभाष मार्ग, "सी" स्कीम, जयपुर-302001 को कर सकेगा।

अनुसूची				
तहसील : मालपुरा	जिला : टोंक	राज्य : राजस्थान		
गांव का नाम	खसरा नम्बर	क्षेत्रफल		
		है.	आर.	वर्ग मीटर
1	2	3	4	5
पचोवर	7441	00	03	40
	7442	00	11	50
	7496/3	00	00	15
	7496/4	00	02	65
किरावल	1102/1	00	09	05
	1102/3	00	02	05
बस्ती अरनिया	169	00	02	75
	170	00	06	20

[मं. आर-31015/30/93-अं. आर. -I)]

कुलदीप सिंह, अधीक्षक सचिव

New Delhi, the 27th September, 1993

S.O. 2165.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user thereon or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302 001

SCHEDULE

Tehsil : Malputa	District : Tonk	State : Rajasthan		
Name of Village	Khasra No.	Area		
		Hec-	Are	Centiare
1	2	3	4	5
Pachewar	7441	00	03	40
	7442	00	11	50

1	2	3	4	5
	7496/3	00	00	15
	7496/4	00	02	65
Kirawal	1102/1	00	09	05
	1102/3	00	02	05
Bassi Aranya	169	00	02	75
	170	00	06	20

[No. R-31015/30/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 5 अक्टूबर, 1993

का. भा. 2166.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा आवश्यक है कि गुजरात राज्य में कान्दला से पंजाब राज्य में भटिन्दा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन आयल कारपोरेशन द्वारा पाइपलाइन बिछाई जाए;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए अधिसूचना से उपाखण्ड अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितवादी कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता की उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के संबंध में आपत्ति लिखित रूप में श्री आर. पी. कौशिक, तहसीलदार प्रतिनियुक्ति पर और सक्षम प्राधिकारी इंडियन आयल कारपोरेशन लिमिटेड, कान्दला-भटिन्दा पाइपलाइन परियोजना, 1158, सेक्टर 13, नगर सम्पदा, करनाल, हरियाणा को कर सकेगा।

अनुसूची

तहसील : बाधन	जिला : रेवाड़ी	राज्य : हरियाणा			
गांव का नाम	हदबस्त मुस्तबील नं.	क्षेत्रफल			
	नं.	किला नं.	है.	आर.	वर्ग-मीटर-
1	2	3	4	5	6
टोंकरी	48	73			
		13	0	08	83
		14	0	05	56
		18	0	06	83
		22	0	10	37
		39			
		2/2	0	03	04

1	2	3	4	5	6	1	2	3	4	5	6
		87						15/1/2	0	00	06
								15/2/1	0	00	12
								15/2/2	0	05	82
		1	0	11	89			16/1/1	0	08	28
		2	0	02	28			16/1/2	0	00	51
		10	0	06	83			16/2/2/1	0	04	04
		88						16/2/2/2	0	00	51
								17/1/1	0	01	26
		6	0	04	55			17/1/2	0	06	32
		14	0	07	08			17/2/1	0	03	04
		15	0	10	88			17/2/2	0	02	28
		17	0	08	60			18/1/1	0	03	23
		18/1	0	09	36			18/1/2	0	01	01
		139	0	07	84			18/2/1	0	10	12
		146	0	01	01			18/2/2	0	00	06
		297/1	0	01	26			19/1	0	04	81
		297/2	0	03	04			19/2	0	05	56
		147	0	01	26			20/4	0	01	52
भारत	7	15						21/2	0	11	38
								22	0	02	28
		21	0	12	65			34			
		10									
		25	0	00	76			1/2	0	10	37
								2	0	01	52
		20						10	0	12	14
								11	0	07	08
		5	0	10	37			41			
		6	0	12	14						
		14	0	06	07			5/1	0	02	53
		15	0	06	07			5/2	0	09	61
		17/1	0	07	08			6	0	06	32
		17/2	0	03	79			7	0	05	82
		23	0	01	26			14	0	12	14
		24	0	10	88			17	0	11	38
		21						18	0	00	25
		1	0	00	51			23	0	08	09
		25						24	0	03	51
		3	0	10	88			46			
		4	0	01	26						
		8	0	12	14			3	0	11	38
		12	0	05	08			8/1/1	0	01	52
		13	0	07	08			8/1/2	0	01	26
		25						8/2/1	0	00	51
		19	0	11	13			8/2/2	0	06	07
		21/2	0	00	76			13	0	11	38
		22	0	11	13			157/1	0	01	77
		32						161	0	01	52
		16	0	01	52			164	0	01	26
		25	0	06	58			168	0	01	52
		33						169	0	01	21
								512	0	01	01
		15/1/1	0	00	09			513	0	00	76
								524	0	00	76

तहसील : रिवाड़ी	जिला : रिवाड़ी		राज्य : हरियाणा			1	2	3	4	5	6
भाड़ाबास	145	49						67			
		9/1/1	0	02	53			15	0	00	06
भूछपर	116	16						16	0	01	01
		21/2	0	00	25			25	0	08	09
								152	0	04	05
		17									
		16	0	16	19						
		25/1	0	08	85						
		25/2	0	01	77						
		24									
		5/2	0	05	56						
		6/1/1	0	00	51						
		6/1/2	0	00	51						
		6/2/1	0	00	51						
		6/2/2	0	00	09						
		15/1/1	0	09	11						
		15/1/2	0	00	76						
		15/2	0	02	29						
		16	0	11	63						
		17	0	00	70						
		25									
		1/1	0	06	58						
		10/2/1	0	08	85						
		10/2/2	0	00	51						
		11/1/2	0	00	02						
		42/2	0	01	52						
		215/1	0	00	51						
		216/2	0	00	02						
पहराजबास	239	36									
		3/2	0	03	04						
तहसील : झज्जर	जिला : रोहतक		राज्य : हरियाणा					116			
1	2	3	4	5	6			1/1	0	00	05
भोका	247	29						1/2	0	00	76
		22	0	00	25			2/1	0	09	60
झज्जर	100	13						2/2	0	00	25
		16/1	0	05	56			166	0	02	77
		25/1	0	03	29			185	0	02	77
		25/2	0	08	35			291	0	00	76
		16						292	0	00	76
		10/2	0	10	12			293	0	00	76
		11	0	08	60			301	0	00	51
		20	0	04	55			1071	0	01	01
		1238	0	02	78			1072	0	01	77
		1432	0	03	54						
गाराबड़	106	66									
		20	0	09	11			20/2/1	0	07	34
		21	0	02	78			42			
								11	0	01	01
								43			
								15	0	10	12
तहसील : रोहतक	जिला : रोहतक		राज्य : हरियाणा								
इसमाईना	37	111									
11 बिसवा		15/1	0	11	13						
पाकनमां	57	11						25/1/1	0	05	82
तहसील : सोनीपत	जिला : सोनीपत		राज्य : हरियाणा								
भंसवान कलां	68	88									
मिठान		3	0	03	28						
		4/1	0	07	31						
		4/2	0	02	02						
		7/1	0	00	05						
		8	0	12	90						
		12	0	05	06						
		13	0	08	09						
		19	0	11	38						
		21	0	06	58						
		22	0	06	58						
		108									
		1	0	11	38						
		10	0	07	08						
		11/2	0	07	84						
		12	0	03	04						
		19/1	0	05	06						
		19/2	0	05	56						
		22	0	11	10						
कहाना भादरी	57	31									
		20/2/1	0	07	34						
		42									
		11	0	01	01						
		43									
		15	0	10	12						

1	2	3	4	5	तहसील : पानीपत	जिला : पानीपत	राज्य : हरियाणा
ककना मादरी--शरी	16	0	11	13	ऊटला	44	11
25		0	11	13		14	0 03 29
46						16	0 06 58
5		0	11	13		17	0 11 63
6		0	11	13		24	0 11 63
15/1		0	02	02		25	0 11 63
15/2		0	06	06		13	
16		0	11	62		10	0 01 77
24		0	01	52		11	0 03 54
25/1		0	08	84		20	0 00 10
25/2		0	00	05		14	
60						3	0 02 53
4		0	10	37		4	0 08 60
5		0	00	76		5	0 10 88
7		0	11	63		6	0 09 86
14/1		0	03	79		7	0 01 01
14/2		0	07	84		8	0 10 88
91		0	01	01		13	0 11 63
104		0	02	28		15	0 07 84
231		0	02	02		16/1	0 10 88
						18	0 11 38
						21/2	0 00 25
शामरी बुरान	53	39				22	0 03 29
		20	0	11	38	23	0 03 79
		21	0	08	35	25	0 11 13
		22/1	0	00	25	27	
		22/2	0	00	51	2/1	0 04 81
		46				2/2	0 04 05
		1	0	01	77	3	0 00 25
		2	0	07	33	5/1	0 01 01
		9	0	11	13	5/2	0 03 29
		12	0	09	61	6/1	0 07 33
		19	0	02	02	6/2	0 03 79
		20	0	07	59	9	0 09 36
		21	0	12	14	11	0 00 51
		55				12	0 11 13
		1	0	12	14	15	0 11 13
		10	0	10	38	16	0 10 88
		11	0	02	78	17	0 00 10
		56				19	0 03 79
		6	0	00	25	20	0 06 09
		25/2	0	07	33	21	0 11 63
		16	0	13	66	24	0 03 04
		17	0	00	25	25	0 08 09
		24	0	12	15	31	
		25	0	01	77	1	0 11 13
		133	0	04	05	4	0 06 83
		185	0	00	51	5	0 03 79
		189	0	02	53	6	0 00 51
		582	0	05	31	7	0 11 13
		585	0	00	76	10	0 09 61
		586	0	00	25	11	0 01 01
						13	0 10 12

1	2	3	4	5	1	2	3	4	5
14		0	11	13		82/2	0	22	51
18		0	04	30		87	0	05	56
19		0	14	42		92	0	01	52
20		0	01	01		98	0	01	77
21		0	12	39		258	0	03	79
22		0	00	10		277	0	02	28
12						306	0	00	51
6		0	02	28		308	0	00	51
15		0	10	88		312	0	00	51
16/3		0	10	88	आसन खुर्द	22	34		
25/1		0	06	32		2	0	11	13
25/2		0	05	82		9	0	11	13
25/3		0	00	25		11	0	09	36
42						12	0	05	06
5/1		0	05	31		20	0	08	85
5/2		0	02	28		35			
5/3		0	04	05		16	0	06	07
13		0	02	53		24	0	03	04
14/1		0	05	56		25	0	12	14
17/2		0	03	54		38			
18		0	08	09		4	0	11	14
23		0	01	26		7	0	03	29
49						14	0	08	09
8		0	07	33		77	0	09	36
13		0	11	13					
18		0	11	13					
23/1		0	05	06					
23/2		0	06	07					
62									
3		0	10	62					
8		0	11	13					
13		0	11	13					
18		0	11	13					
23		0	11	13					
66									
2		0	01	52					
3		0	09	61					
8		0	07	33					
9		0	04	05					
12		0	06	32					
13		0	04	81					
18		0	03	04					
19		0	08	35					
22		0	10	37					
23			00	76					
76		0							
2		0	11	38					
9		0	03	79					
81		0	25	04					

[संख्या : आर-31015/32/93-ओ.आर-1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 5th October, 1993

S.O. 2166.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the state of Gujarat to Bhatinda in the state of Punjab, via Rajasthan and Haryana, pipeline should be laid by Indian Oil Corporation Limited ;

And, whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein of laying of pipeline under the land to Shri R. P. Kaushik, Tehsildar on deputation

Competent Authority, Kandla Bhatinda Pipeline Project, 1158, Sector-13, Urban Estate, Karnal (Haryana).

SCHEDULE

Tehsil : Bawal District : Rewari State : Haryana

Name of Village	Hadbast No.	Mustateel/ Killa No.	Area		
			Hec-tare	Are	Centiare
1	2	3	4	5	6
Tankri	48	73			
		13	0	08	85
		14	0	05	56
		18	0	06	83
		22	0	10	37
		39			
		2/2	0	03	04
		87			
		1	0	11	89
		2	0	02	28
		10	0	06	83
		88			
		6	0	04	55
		14	0	07	08
		15	0	10	88
		17	0	08	60
		18/1	0	09	36
		139	0	07	84
		146	0	01	01
		297/1	0	01	26
		297/2	0	03	04
		147	0	01	26
Dharan	7	15			
		21	0	12	65
		16			
		25	0	00	76
		20			
		5	0	10	37
		6	0	12	14
		14	0	06	07
		15	0	06	07
		17/1	0	07	03
		17/2	0	03	79
		23	0	01	26
		24	0	10	88
		21			
		1	0	00	51
		25			
		3	0	10	88
		4	0	01	26
		8	0	12	14
		12	0	05	06
		13	0	07	08
		25			
		19	0	11	13

1	2	3	4	5	6
Dharan--Contd.		21/2	0	00	76
		22	0	11	13
		32			
		16	0	01	52
		25	0	06	58
		38			
		15/1/1	0	00	09
		15/1/2	0	00	06
		15/2/1	0	00	12
		15/2/2	0	05	82
		16/1/1	0	03	28
		16/1/2	0	00	51
		16/2/2/1	0	04	04
		16/2/2/2	0	00	51
		17/1/1	0	01	26
		17/1/2	0	06	32
		17/2/1	0	03	04
		17/2/2	0	02	28
		18/1/1	0	02	28
		18/1/2	0	01	01
		18/2/1	0	10	12
		18/2/2	0	00	06
		19/1	0	04	81
		19/2	0	05	56
		20/4	0	01	52
		21/2	0	11	38
		22	0	02	28
		34			
		1/2	0	10	37
		2	0	01	52
		10	0	12	14
		11	0	07	08
		41			
		5/1	0	02	53
		5/2	0	09	61
		6	0	06	32
		7	0	05	82
		14	0	12	14
		17	0	11	38
		18	0	00	25
		23	0	08	09
		24	0	03	54
		46			
		3	0	11	38
		8/1/1	0	01	52
		8/1/2	0	01	26
		8/2/1	0	00	51
		8/2/2	0	06	07
		13	0	11	38
		157/1	0	01	77
		161	0	01	52
		164	0	01	26
		168	0	01	52
		169	0	01	26
		512	0	01	01
		513	0	00	76
		524	0	00	76

Tehsil : Rewari District : Rewari State : Haryana					
1	2	3	4	5	6
Bharawas	145	49			
		9/1/1	0	02	53
Bhudpur	116	16			
		21/2	0	00	25
		17			
		16	0	16	19
		25/1	0	08	85
		25/2	0	01	77
		24			
		5/2	0	05	56
		6/1/1	0	00	51
		6/1/2	0	00	51
		6/2/1	0	00	51
		6/2/2	0	00	09
		15/1/1	0	09	11
		15/1/2	0	00	76
		15/2	0	02	28
		16	0	11	63
		17	0	00	76
		25			
		1/1	0	06	58
		10/2/1	0	08	85
		10/2/2	0	00	51
		11/1/2	0	00	02
		42/2	0	01	52
		215/1	0	00	51
		216/2	0	00	02
Pehrajwas	239	36			
		3/2	0	03	04
Tehsil : Jhajjar District : Rohtak State : Haryana					
1	2	3	4	5	6
Koka	247	29			
		22	0	00	25
Jhajjar	100	15			
		16/1	0	05	56
		25/1	0	03	29
		25/2	0	08	35
		16			
		10/2	0	10	12
		11	0	08	60
		20	0	04	55
		1238	0	02	78
		1432	0	03	54
Garawar	106	66			
		20	0	09	11
		21	0	02	78

Tehsil : Garawar Contd. District : Rohtak State : Haryana					
1	2	3	4	5	6
		67			
		15	0	00	06
		16	0	01	01
		25	0	08	09
		152	0	04	05
Tehsil : Ismayila District : Rohtak State : Haryana					
1	2	3	4	5	6
Ismayila	37	111			
11 Biswa		15/1	0	11	13
Paksaman	57	11			
		25/1/1	0	05	82
Tehsil : Gohana District : Sonapat State : Haryana					
1	2	3	4	5	6
Bhainswal Kalan	68	86			
Mithan					
		3	0	03	28
		4/1	0	07	31
		4/2	0	02	02
		7/1	0	00	05
		8	0	12	90
		12	0	05	06
		13	0	08	09
		19	0	11	38
		21	0	06	58
		22	0	06	58
		108			
		1	0	11	38
		10	0	07	08
		11/2	0	07	84
		12	0	03	04
		19/1	0	05	06
		19/2	0	05	56
		22	0	11	10
		116			
		1/1	0	00	05
		1/2	0	00	76
		2/1	0	09	60
		2/2	0	00	25
		166	0	02	77
		185	0	02	77
		291	0	00	76
		292	0	00	76
		293	0	00	76
		301	0	00	51
		1071	0	01	01
		1072	0	01	77
Kakana Bhadri	57	31			
		20/2/1	0	07	34
		42			
		11	0	01	01

1	2	3	4	5	6	1	2	3	4	5	6
Kakana Bhadri-Contd.						Untla-Contd.					
	43							13			
	15		0	10	12			10	0	01	77
	16		0	11	13			11	0	03	54
	25		0	11	13			20	0	00	10
	46							14			
	5		0	11	13			3	0	02	53
	6		0	11	13			4	0	08	60
	15/1		0	02	02			5	0	10	88
	15/2		0	06	06			6	0	09	86
	16		0	11	62			7	0	01	01
	24		0	01	52			8	0	10	88
	25/1		0	08	84			13	0	11	63
	25/2		0	00	05			15	0	07	84
	60							16/1	0	10	88
	4		0	10	37			18	0	11	38
	5		0	00	76			21/2	0	00	25
	7		0	11	63			22	0	03	29
	14/1		0	03	79			23	0	03	79
	14/2		0	07	84			25	0	11	13
	91		0	01	91			27			
	104		0	02	28			2/1	0	04	81
	231		0	02	02			2/2	0	04	05
Shamri Butan 53								3	0	00	25
	39							5/1	0	01	01
	20		0	11	38			5/2	0	03	29
	21		0	08	35			6/1	0	07	33
	22/1		0	00	25			6/2	0	03	79
	22/2		0	00	51			9	0	09	36
	46							11	0	00	51
	1		0	01	77			12	0	11	13
	2		0	07	33			15	0	11	13
	9		0	11	13			16	0	10	88
	12		0	09	61			17	0	00	10
	19		0	02	02			19	0	03	79
	20		0	07	59			20	0	08	09
	21		0	12	14			21	0	11	63
	55							24	0	03	04
	1		0	12	14			25	0	08	09
	10		0	10	33			31			
	11		0	02	78			1	0	11	13
	56							4	0	06	83
	6		0	09	25			5	0	03	79
	15/2		0	07	33			6	0	00	51
	16		0	13	66			7	0	11	13
	17		0	00	25			10	0	09	61
	24		0	12	15			11	0	01	01
	25		0	01	77			13	0	10	12
	133		0	04	05			14	0	11	13
	135		0	00	51			18	0	04	30
	189		0	02	53			19	0	14	42
	582		0	05	31			20	0	01	01
	595		0	00	76			21	0	12	39
	586		0	00	25			22	0	00	10
Tehsil : Panipat District : Panipat State : Haryana								32			
1	2	3	4	5	6			6	0	02	28
Untla 44								15	0	10	88
	14		0	03	29			16/3	0	10	88
	16		0	06	58			25/1	0	06	32
	17		0	11	63			25/2	0	05	82
	24		0	11	63			25/3	0	00	25
	25		0	11	63						

1	2	3	4	5	1	2	3	4	5
	42					38			
	5/1	0	05	31		4	0	11	13
	5/2	0	02	28		7	0	03	29
	5/3	0	04	05		14	0	08	09
	13	0	02	53		77	0	09	36
	14/1	0	05	56					
	17/2	0	03	54					
	18	0	08	09					
	23	0	01	26					
	49								
	8	0	07	33					
	13	0	11	13					
	18	0	11	13					
	23/1	0	05	06					
	23/2	0	06	07					
	62								
	3	0	10	62					
	8	0	11	13					
	13	0	11	13					
	18	0	11	13					
	23	0	11	13					
	66								
	2	0	01	52					
	3	0	09	61					
	8	0	07	33					
	9	0	04	05					
	12	0	06	32					
	13	0	04	81					
	18	0	03	04					
	19	0	08	35					
	22	0	10	37					
	23	0	00	76					
	76								
	2	0	11	38					
	9	0	03	79					
	81	0	25	04					
	82/2	0	22	51					
	87	0	05	56					
	92	0	01	52					
	98	0	01	77					
	258	0	03	79					
	277	0	02	28					
	306	0	00	51					
	308	0	00	51					
	312	0	00	51					
Asan Khurd	22	34							
	2	0	11	13					
	9	0	11	13					
	11	0	09	36					
	12	0	05	06					
	20	0	08	85					
	35								
	16	0	06	07					
	24	0	03	04					
	25	0	12	14					

[No. R-31015/32/93- O.R.- II.]

KULDIP SINGH, Under Secy.

CORRIGENDUM

New Delhi, the 5th October, 1993

S.O. 2167.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 698 and 702, dated the 29th February, 1992, published in the Gazette of India, Part II, Section 5, Sub-section (ii), at page 1200 to 1262 issued under Sub-section (i) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of user in the land) Act, 1962 (50 of 1962), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to those notifications;

And whereas, No. S.O. 1139, dated the 29th May, 1993, was issued for correcting the printing mistakes occurred in the said notifications;

And whereas, it has been again brought to the notice of the Central Government that certain errors of printing nature have again occurred in the publication of the said notifications in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notifications as follows:

at page 1216, in No. S.O. 698, in village Goverdhanpura, in Column 2, for Khasra No. "1962", the No. "1062" shall be substituted and for Khasra No. "14443", the No. "1443" shall be substituted.

at page 1257, in No. S.O. 702, in column 1, for the word "Talwas" read "Talwad".

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (i) of Section 5 of the Act.

Explanation.—In respect of the lands, Khasra Nos. and area etc. amended through this notification only, the said period of twenty one days in terms of sub-section (i) of Section 5 of the said Act starts running from the date of notification is made available to the public after its publication in the Official Gazette.

[No. R-31015/35/93-O.R.-II]

KULDIP SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 22 सितम्बर, 1993

का. आ. 2168—केन्द्रीय सरकार, केन्द्रीय भारतीय चिकित्सा परिषद (निर्वाचन) नियम 2 के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए स्वास्थ्य और परिवार कल्याण मंत्रालय (प. ड. सेक्शन) की अधिसूचना, तारीख 29 जुलाई, 1993 में निम्नलिखित आर परिवर्तन करती है, अर्थात् उक्त अधिसूचना में क्रम सं. 17 के आगे निम्न 18 और पढ़ें।

क्रम सं.	राज्य का नाम	नाम, पदनाम और चुनाव अधिकाारी का पता
1	2	3
18.	आसाम	डा० कल्याण कुमार (भाईपुसुम) दत्ता (होमियोपैथिक) डा निदेशक, स्वास्थ्य सेवाएं, आसाम हेमराबाडी, गुवाहाटी-6

[सं. बी. 26025/4/91-प. ई.]

पवन चोपड़ा, संयुक्त सचिव

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 22nd September, 1993

S.O. 2168.—In exercise of the powers conferred by clause (d) of rule 2 of Indian Medicine Central Council (Election) Rules, 1975, the Central Govt. hereby make the following further addition in the notification of the Ministry of Health & Family Welfare dated 29th July, 1993, namely, further read S.No. 18, from S.No. 17 given in the said notification.

S.No.	Name of the State	Name, Designation and address of the returning officer
18	Assam	Dr. Kalyan Kumar Dutta (Homeopathic), Dy. Director of Health Services, Assam, Hengrabari, Guwahati-6.

[No. V-26025/4/91-AF]

PAWAN CHOPRA, Jr. Secy.

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 8 अक्टूबर, 1993

का. आ. 2169—चूंकि भारतीय तार नियमावली, 1951 के नियम 434-III (2) (ग) के अनुसार अम्बाला

टेलीफोन एक्सचेंज प्रणाली के स्थानीय क्षेत्र में संशोधन करने के बारे में अम्बाला में प्रचलित समाचार पत्रों में एक मासिक सूचना प्रकाशित की गई थी जिससे सम्भवतः इससे प्रभावित होने वाले व्यक्तियों की प्राप्ति तथा उनके सुझाव समाचार पत्रों में सूचना के प्रकाशन की तारीख से 30 दिन के भीतर मांगे गए थे।

और चूंकि उपर्युक्त सूचना 8 दिसूत (चंडीगढ़) इण्डियन एक्सप्रेस (चंडीगढ़) तथा पंजाब केसरी (अम्बाला) समाचार पत्रों में 25-10-92 को और 8 दिसूत और इण्डियन एक्सप्रेस में श्रुतिपत्र के जर्गल 7-6-93 को तथा पंजाब केसरी (जलंधर) में 8-6-93 को प्रकाशित की गई थी।

और चूंकि उपर्युक्त सूचना के बारे में जनता से प्राप्त आपत्तियां तथा सुझावों पर केन्द्र सरकार तत्परता कर लिया है।

अतः अब उपर्युक्त नियमावली के नियम 434 (III) (2) (ग) में प्रदत्त शक्तियों का प्रयोग करते हुए महासचिव, दूरसंचार एवं डाक विभाग घोषणा करते हैं कि 16-10-93 में अम्बाला टेलीफोन एक्सचेंज प्रणाली का संशोधन स्थानीय क्षेत्र इस प्रकार होगा —

अम्बाला टेलीफोन एक्सचेंज प्रणाली

अम्बाला टेलीफोन प्रणाली के स्थानीय क्षेत्र में अम्बाला शहर नगर पालिका और अम्बाला छावनी बोर्ड के क्षेत्रों में आने वाला क्षेत्र शामिल होगा;

बगैर कि जो टेलीफोन आसोजन अम्बाला शहर नगर पालिका और अम्बाला छावनी बोर्ड क्षेत्र को सीमा से बाहर रहते हैं लेकिन जिन्हें अम्बाला टेलीफोन प्रणाली द्वारा सेवा प्रदान का जा रहा है वे तब तक आसोजन सुको को प्रदान करने वाले जब तक वे इस प्रणाली की सेवाओं एक्सचेंज को 5 कि.मी. का अंतर दूर के भीतर रहते हैं और इससे जुड़े रहते हैं।

[सं. 3-14/85-पी एन बी]

गुरदास सिंह, निदेशक (फोन ई)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 8th October, 1993

S.O. 2169.—Whereas a public notice for revising the local area of Ambala Telephone Exchange System was published as required by rule 434 (III)(2)(c) of the Indian Telegraph Rules, 1951 in the newspapers in circulation at Ambala, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 25-10-92 in the Tribune (Chandigarh), the Indian Express (Chandigarh) and Punjab Kesari (Ambala) and corrigendum on 7-6-93 in the Tribune and Indian Express and on 8-6-93 in Punjab Kesari (Lahore) New papers;

And whereas objections and suggestions received from the public on the said notice have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by rule 434 (II) (2) (c) of the said Rules, the Director General, Telecommunications hereby declares that with effect from 16-10-93, the revised local area of Ambala shall be as under :

Ambala Telephone Exchange System :

The local area of Ambala Telephone System shall cover an area under the jurisdiction of Ambala City Municipality and Ambala Cantt. Board :

Provided that the telephone subscribers located outside the Ambala City Municipality and Ambala Cantonment Board limits but who are served from Ambala Telephone System shall continue to pay local tariffs as long as they are located within 5 kms radial distance of any exchange of this system and remain connected to it.

[No. 3-14 85-PHB]

GURDIP SINGH, Director (Phones-E)

भारत सरकार

(संस्था निर्देशक)

नई दिल्ली, 13 अक्टूबर, 1993

का.प्र. 2170—सरकारी निवास स्थान आवंटन (दिल्ली में साधारण पूल) नियम, 1963 के अनु. वि.-317-ख-2 की धारा "ख" के अनुसूचन में राष्ट्रपति पत्रद्वारा 1 जनवरी, 1994 से 31 दिसम्बर, 1995 तक की अवधि को समझे आवंटन वर्ष के रूप में अधिसूचित करने हैं।

[फा.सं. 12035(10)/93-नॉनि-2]

सर्वोच्च महान, उपनिदेशक (संपदा)

MINISTRY OF URBAN DEVELOPMENT

(Directorate of Estates)

New Delhi, the 13th October, 1993

S.O. 2170.—In pursuance of clause (b) of SR-317-B-2 of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, the President hereby notifies the period commencing on the 1st day of the January, 1994 and ending on 31st day of December, 1995 as the period of next Allotment Year.

[F. No. 12035(10)/93 Pol. III]

R. D. SAHAY, Dy. Director of Estates (Policy)

नई दिल्ली, 13 अक्टूबर, 1993

का.प्र. 2171—सरकारी निवास स्थान आवंटन (ग़ाज़िआबाद में साधारण पूल) नियम, 1979 के अनु. वि.-317-ख-2 की धारा "ख" के अनुसूचन में राष्ट्रपति पत्रद्वारा 1 जनवरी, 1994 से 31 दिसम्बर, 1995 तक की अवधि को समझे आवंटन वर्ष के रूप में अधिसूचित करने हैं।

[फा.सं. 12035(10)/93-नॉनि-2]

सर्वोच्च महान उपनिदेशक (संपदा)

New Delhi, the 13th October, 1993

S.O. 2171.—In pursuance of clause (b) of SR-317-B-2 of the Allotment of Government Residences (General Pool in Ghaziabad) Rules, 1979 the President hereby notifies the

period commencing on the 1st day of January, 1994 and ending on 31st day of December, 1995 as the period of next Allotment Year.

[F. No. 12035(10)/93-Pol. III]

R. D. SAHAY, Dy. Director of Estates (Policy)

नई दिल्ली, 13 अक्टूबर, 1993

का.प्र. 2172—सरकारी निवास स्थान आवंटन (इन्दौर में साधारण पूल), नियम, 1979 के अनु. वि. 317-ख-2 की धारा "ख" के अनुसूचन में राष्ट्रपति पत्रद्वारा 1 जनवरी, 1994 से 31 दिसम्बर, 1995 तक की अवधि को समझे आवंटन वर्ष के रूप में अधिसूचित करने हैं।

[फा.सं. 12035(10)/93-नॉनि-2]

सर्वोच्च महान, उपनिदेशक (संपदा)

New Delhi, the 13th October, 1993

S.O. 2172.—In pursuance of clause (b) of SR-317-B-2 of the Allotment of Government Residences (General Pool in Indore) Rules, 1979, the President hereby notifies the period commencing on the 1st day of January, 1994 and ending on 31st day of December, 1995 as the period of next Allotment Year.

[F. No. 12035(10)/93 Pol. III]

R. D. SAHAY, Dy. Director of Estates (Policy)

जन-भवन परिवहन मंत्रालय

(नौवहन पक्ष)

शक्तिपत्र

नई दिल्ली, 28 सितम्बर, 1993

का. प्र. 2173—जन-भवन परिवहन मंत्रालय (नौवहन पक्ष), भारत सरकार की अधिसूचना सं. का. प्र. 641 (ई) दिनांक 25 अगस्त, 1992 जो दिनांक 25 अगस्त, 1992 को भारत के राजपत्र के भाग II खण्ड 3 उपखण्ड (ii) में प्रकाशित की गई थी, में

1. पृष्ठ 2 पर लाईन 1 में

"खण्ड 345 x" के स्थान

"खण्ड 435 x" पढ़ें।

[फा. सं. एम. एयर-11013/3/92-एम. ए.]

श्री. पी. माहो, अवर सचिव

MINISTRY OF SURFACE TRANSPORT

(Shipping Wing)

CORRIGENDUM

New Delhi, the 28th September, 1993

(Merchant Shipping)

S.O. 2173.—In the notification of the Government of India in the Ministry of Surface Transport (Shipping Wing) No. S.O. 641(b) dated the 25th August, 1992 published in the

Gazette of India, Part II Section-3 Sub-section (ii) dated the 25th August, 1992, at pages 1 and 2.

1. ntpage 2. in line 1.
for "section 345x"
read "section 435x".

[F. No. SR-11013-3/92-MA]

O. P. MAHEY, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 16 सितम्बर, 1993

का. आ. 2174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये, एम. सी. एल. के प्रबन्धन के संबंध में नियो-जकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पक्षों में प्रकाशित करता है, जो केन्द्रीय सरकार को 15-9-93 का प्राप्त हुआ था।

[संख्या एल-22011/16/84 डी III (बी)]

राजा लाल डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 16th September, 1993

S.O. 2174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 15-9-1993.

[No. L-22011/16-84-D.III (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachulam, M.A., B.L., Industrial Tribunal-I.

Dated : 1st September, 1993

Industrial Dispute No. 59 of 1984

BETWEEN

The workmen of Singareni Collieries Company Limited, represented by President, Singareni Collieries Engineering Workers Union Petitioner

AND

The Management of Singareni Collieries Company Limited, Kothagudem. Respondent

APPEARANCES :

M/s. A. K. Jayaprakash Rao and P. Damodar Reddy, Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha, H. K. Saigal, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour and Rehabilitation, Department of Labour, by its Order No. L-22011/16/84-D.III (B) dated 18-10-1984 referred the following dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Singareni Collieries Company Limited and their workmen to this Tribunal for adjudication :

"Whether the following demands of the workmen employed by Messrs Singareni Collieries Company Limited are justified ?

(i) Posting of Rope Splicers in Category V in Second and Third Shifts.

(ii) Grant of dust allowance to the workers engaged on AM-50 Machines and Long Wall Machines.

(iii) Grant of Technical Grade 'A' to Electrical Charge Hands working as Electrical Supervisors.

If so, to what relief are the Workman concerned entitled ? This reference was registered as Industrial Dispute No. 59 of 1984 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows :

The Petitioner submits that the 1st demand was posting of Rope Splicers in Category V in 2nd and 3rd shifts. The Petitioner submits that there are 57 Mines in Singareni Group of Mines and every mine is having Rope Splicers. It is normal practice that the rope splicers are engaged only during the general shifts and during the other shifts the rope splicers/Hammermen are performing the duties of rope splicers. The Petitioner submits that there are difference of wages between the work of Hammermen and rope splicers. The demand of the petitioner that the workmen who are working in Category 3 are entitled to the category of V in 2nd and 3rd shifts. The petitioner further submits that though the management is extracting the work from the workmen of Category V, they are paying the wages of Category III, defeating the just and fair demand. The petitioner submits that as per the Coal Mines Regulations, the workmen are independently working as Rope Splicers during the shifts, hence their claim for category V is substantiated and also the workmen are entitled for the different of wages. With regard to the demand for payment of dust allowance, the workers engaged on AM-50 Machines and long-wall machines, the petitioner submits that the workers who are working in the above said Machines are exposed to the thick dust due to which their health is deteriorated from time to time. The claim for dust allowance is legal and justified. The petitioner further submits that the workers who are working at Coal servicing Plant are being paid Rs. 20.00 per month towards Dust allowance. The petitioner further submits that the CSP workers who are working on surface are being paid the dust allowance and the workmen who are working in AM-50 Machine and Long Wall machine are deprived of the same in spite of the fact that the workers at the above place are exposed to more dust. With regard to the grant of Technical Grade A to Electrical Charge Hands working as Electrical Supervisors, it is submitted that the Electrical Supervisors are the certificate holders from the appropriate authority and also they are qualified for Grade A whereas the Management has fixed them in Grade B, to S/Sri K. Rajasekharam, D. Satyanarayana, T. Shamsunder, S. Kamalakhar Rao, D. Yellish, Hamudu J. V. Ganesh and K. Sudarshan. The Petitioner submits that the above mentioned employees are entitled for Grade A and they are having all the requisite qualifications and the management denied the same, without any valid reasons. The Petitioner therefore prays that this Hon'ble Court may be pleased to grant the relief in respect of the demands referred to this Hon'ble Court against the management by allowing the claims of the Petitioner.

3. The brief facts of the counter filed by the Respondent read as follows :-

It is true that there are 57 Mines under the control of Singareni Collieries and as huge manpower is required for the mining operations, a total number of more than 67,000 workmen are working in the

Mines and the industrial engineering department will study in various fields and give the requirement of man power for each section and accordingly personnel are recruited and posted. In all Mines Rope Splicer was posted in Category V and normally as per the recommendations of the Industrial Engineering Department Rope Splicer works in general shifts with the help of Rope Hammerman Cat. III. The Rope Splicer job is more of maintenance in nature and not of regular course. It is the duty of the Rope Splicer to see that the ropes of the hauler be maintained properly without any break down in between which will enable the management to have continuous production. Throughout the general shift from 7 A.M. to 3 P.M. Rope Splicer will be checking the rope and if there is any weak point he will repair it with the help of Hammerman Cat. III and also if requires changes the ropes. The operation being the maintenance job one Rope Splicer is sufficient for the entire mine as break down is not regular, and only as abundant caution in the II and III shifts Rope Hammerman in Cat. III is posted who is also having preliminary knowledge to see whether there is any break down in the rope. In II and III shifts, if there is really any break down management calls upon the Rope Splicer to mine to repair it immediately, if so requires and this sort of occasion occurs very rarely and it is not a regular feature. It is submitted that the workload does not warrant posting of any independent Rope Splicer Category V on permanent basis, in II and III shifts. In fact most of the time, Category III Hammerman posted in II and III shifts were idle. Further whenever there are any such minor repairs it is done by Hammerman because of their long practice and he is paid acting allowance in Category V and such situations are rare in the mine. They also note down, if there are any defects in the Rope and report to the mine incharge which will enable the mine incharge to get it repaired by Rope Splicer by next morning. So the question of depriving the workman by paying lesser wage does not arise. The petitioner workmen are not entitled for the difference of wage from Category III to Category V as alleged by them. Infact if there is any break down occasionally it is the Rope Splicer who is called from his home for II and III shifts. It is incorrect to alleged that the workmen working at AM-50 machine and long wall machines are exposed to thick dust due to which their health is deteriorating from time to time. The Respondent submits that the workmen engaged on AM-50 machines and Long Wall machines are provided with dust filters and respirators to prevent inhalation of dust. At the time of revision of pay scales under NCWA-III the Joint Bipartite Committee has taken into consideration various factors to raise wage including the alleged dust allowance. In view of the fact that NCWA-III recommended dust masks as such Union is estopped to claim dust allowance as it has been already concluded by Joint Bipartite Committee. One cannot compare the workers working on AM-50 machines and Long Wall machines with that of workers working at Coal Screening Plant. The reason being workers who are working at AM-50 and Long Wall machines are working underground and they get underground allowance which was not given to workers on the surface and also at Coal Screening Plant which are on the surface. Infact even the CSP workers were not paid dust allowance as compared by the workmen. It is incorrect to alleged that the CSP workmen are paid Rs. 20.00 p.m. towards dust allowance. As stated only a special allowance of Rs. 15.00 is paid and it is no dust allowance. That the claim for grant of technical Grade A to Electrical charge hands working as Electrical Supervisor is totally misconceived. It is submitted that according to the management policy the electrical department workmen who had

the requisite qualification of electrical supervisor certificate (Mines) are initially appointed as Electrical Charge hands in Technical Grade B and considered for promotion for grade-A after completion of three years of service in Grade B and on seniority-cum-merit basis and also subject to the satisfactory report from the superior. It may be mentioned in this, connection that as per the cadre scheme finalised by the Promotion Policy Committee of III JBCCI even for appointment for Grade C (Asst. Foreman/Charge-hand) the minimum qualification prescribed in Electrical Supervisory certificate valid for mines. Such personnel are entitled for promotion to Grade B with designation as foreman on promotion on completion of 3 years of experience in Grade C as Asst. Foreman and on completion of 3 years of service in Grade B they are eligible for placement in Grade A with designation as Foreman subject to vacancies. It may also be mentioned in this connection that M/s. K. Rajasekaram, D. Satyanarayana, T. Shyam-sunder, S. Kamalakar Rao, E. Ellaiiah, Hanumanulu, J. B. Ganesh and B. Sudherashan who were initially appointed as Electrical Charge hands in Grade B were promoted to Technical Grade A on completion of 3 years service in Grade B as per company's cadre scheme. In view of this, the demand of the Union that the Electrical supervisors should be directly given technical grade A is not justified particularly when the H.M.S. to which this union is affiliated is a party and signatory to minutes of promotion policy committee of III JBCCI. Without prejudice to the rights of this Respondent, it is submitted that the Respondent Company is running in loss for the past nine years except some marginal profits in 1981-82 and it is not practically possible for the management by any reason either to enhance salaries or to pay special allowance or to change the grades which will have additional financial burden on the company. The Respondent prays that this Hon'ble Tribunal may be pleased to dismiss the claim petition with merits.

4. WW-1 to WW-7 were examined on behalf of the Petitioner-Union and marked Exs. W-1 to W-4. On the other hand MW-1 to MW-6 were examined on behalf of the Respondent-Management and marked Exs. M-1 to M-38.

5. The point for adjudication is whether the demands (i) to (iii) mentioned in the reference are justified or not ?

6. WW-1 is O. Narayana. He deposed that in all the Mines of S. C. Company Limited this category of Rope Strikers are there. The Rope strikers are made to work in three shifts. Similarly there are Rope Splicers, Hammerman, who work in the Mines. The Hammerman attends to the work at Furnace. The Rope Splicer work in underground. Rope Splicers are in Category V. The Rope Strikers are in Cat. III. Both are having different wage structures. The Rope Strikers are made to work as Rope Splicers. He is doing as Rope Splicer for the last four years, though he was designated as Rope Striker Category III. He is paid acting allowance for the duties performed by him as Rope Splicer in Cat. V. He was only the person who was working as Rope Splicer though he designated as Rope Striker at Kothagudem Collieries. He wants that he should be made as Rope Splicer in Category V in regular basis. There is a vacancy for the shift in which he is doing for the post of Rope Splicer. He is working in 'A' Relay Shift as Rope Splicer.

7. WW-2 is M. Prabhakar. He deposed that he is a Member of Singareni Collieries Engineering Workers Union Godavarikhani. He is working as Electrician since 13 years. He is working as Electrician on AM-50 Machine. He attended to any break down in the machine and also repair the Electrical Drill Panel. A.M.-50 machines are used for cutting coal at particular place. When the coal is cut heavy dust comes out of it. Normally, when the coal mine is drilled as we get heavy lock of coal. The same is cut with the help of A.M.-50 Machines and the coal is crushed into small pieces. Then the dust comes out. This cutting is done underground. In the normal course if the coal is crushed by hand using coal cutters there will be dip to a

distance of 70 feet and thus all the dust is avoided by the coal cutters. But this is not done so as there is no ventilation for cutting of coal. For A.M. 50 Machines handling valve machine there is no dip or raise for inter connections upto 700 metres, as such they are exposed to thick dust. They are not paid any dust allowance. The workers working at Coal Servicing Plant are being paid Rs. 40.00 per month as dust allowance. Similarly the C.S.P. workers who are working on surface are being paid dust allowance. But A.M. 50 operators and long wall operators including Electricians and Fitters etc., and workmen are deprived of the same. In the I.D. — same Machine Operators are granted dust allowance by this Tribunal. Those who work on A.M. 50 machine and long wall machine are thrown to health hazards due to pollution. They are expected to send every one year for medical health check up. But that was also not being done properly. About two years back one K. Mallaya Pedda Bhoomaya and two others were operated and the coal dust was removed from their stomachs. They claim Rs. 60.00 per month as dust allowance for our workers who operate the A.M. 50 machine and long valve machines and they work near the machine.

8. WW-3 is J. Narasimha Reddy. He deposed that he is working as Rope Striker at Godavarikhani since 1981. He is working in 3rd Category. For each shift there is one Rope Striker working in the mine. In the general shift the work done by the Rope Splicer is done by the Rope Striker in the 2nd shift and 3rd shift. But Rope Splicer in the general shift is given V Category. 5 Category is at Rs. 26.00 per day as wages. Whereas for the same work and for the same time the Rope Striker is paid Rs. 22.30 per day as wages showing them in 3rd category. The work done by the Rope Strikers is one and the same as the nature of duties of Rope splicer in Category V and therefore they demand that Rope strikers should be also treated as Category V on par with the Rope Splicers and their wages should be paid. The Management had authorised under Coal Mines Regulations to work them as Coal Splicers in the 2nd shift and 3rd shifts when there is no rope splicer working. The rope splicers repairs the Hauler rope when it is broken and replaces it or re-winds it. Even the rope strikers do the same job in the 2nd shift and 3rd shift. Generally the Rope Striker is expected to carry the 'Saman' and help the Rope Splicer to attend to the work of Repairs and rewinding. The Management extracts the work of Rope Splicer from them who are Rope Strikers. Hence they are entitled to Category V on par with Rope Splicers while they do the duties in 2nd and 3rd shifts.

9. WW-4 is P. Raja Komaraiah. He deposed that he is working as Rope Hammerman. He belongs to III category. There will one rope splicer in the General Shift. In the second and third shifts rope hammerman works as rope splicer. Rope splicer is placed in Category V. There will be difference in salary. He was appointed in the year 1974 he was promoted as Hammerman in 1979. Ever since then he is working as rope splicer. However they were not paid the difference of pay between rope hammerman and rope splicers even though they are working as rope splicers.

10. WW-5 is B. Jagganatham. He deposed that he is working as Hammerman at present. In February 1986 he was given the promotion to the post of Rope striker on regular basis. Even from the time he was as General Mazdoor, he is asked to do the work of Rope Splicer and he is continuously doing. The rope splicer post is V Category post, it carries around Rs. 400.00 more than the salary paid to the rope striker. About 120 rope strikers brought this fact to the notice of their Union. Each shift requires one rope splicer but the Management appointed only one splicer. Rope striker is III category post. The management is following the same procedure is appointing only one rope splicer to work in general shift in almost all the mines. They were working like this since eight years independently. The responsibilities of rope splicer are more compared to rope striker. They want that they be given rope splicer post i.e. V category and also to pay arrears to be given from the date they were working as rope splicer.

11. WW-6 is T. Rajamallaih. He deposed that he is working as Rope Striker in VI Incline. In the Year 1975 he was

promoted as Lincman. He is acting as Rope Striker from 1979. From 1979 onwards on asking by the management he is working as Rope splicer. Rope splicer is in V category post. There is a difference of pay of Rs. 400.00 when compared to rope striker. In each mine there is one rope splicer working in General shift. In second and third shifts the rope strikers are asked to do the job of rope splicer. They do rope splicer work independently without anybody's guidance. They were given training for three months as rope splicer in the General shift. Thereafter they were asked to work in other two shifts as rope splicer, the responsibility of rope splicer is more compared to rope striker.

12. WW-7 is J. Durgiah. He deposed that he is the General Secretary of the Singareni Collieries Miners and Engineering Workers Union. Earlier he was the President of the said Union. The rope strikers and rope splicers, linemen, Electrical supervisors A.M. 50 workmen are members of their Union. The demand of the rope splicers was put for conciliation but it failed. In the three shifts Rope Splicer will be in the general shift only. In second and third shifts the rope strikers are made to work as a rope splicers. This is the practice in every mine. There will be difference of Rs. 400.00 in the pay of Rope Splicer over Rope striker. Rope strikers comes in III cat. and Rope Splicer comes in V Category. The rope strikers work independently without any guidance as rope splicers in the second and third shifts. The workers who are working in Coal Screening Plant are paid Dust Allowance. The workers working on A.M. 50 machine are exposed to thick dust. They are asking that dust allowance should be paid to these workers also. The Electrical Supervisors are certificate holders. They should be given 'A' Grade post. Now they were given 'B' grade. As per the Coal Wage Agreement they should be given 'A' Grade.

13. MW-1 is S. Chandrudu. He deposed that he is a Deputy Chief Industrial Engineer. He has to make assessments for work load in each shift and general shift and post personnel required. A Rope splicer is a person of maintenance gang and his work is connected with upkeep of Ropes attached to the haulers. This could mean inspection of ropes while running in a preplanned order, pin point defects in a particular rope, schedule it for repair and attend to repairs. Rope splicer work is a skilled work. He is in Category V as highly skilled. Hammerman is category III and it is a semi-skilled job. In Ex. M-3 two designations are given Hammerman and Striker. He also assist Rope splicer. Pages 45 of Ex. M-3 deals with striker or Hammerman. Most of the time Rope splicer is assisted by Hammerman. Dust of Rope Splicer depends on the number of ropes, length of ropes and quality and age or defects of rope. If ropes are old his work is more. If ropes are new his work will be less generally he will have lesser work than other mining staff. In mines Act it is a safety factor. There is a register of rope or rope charging register. It is maintained E&M Eng. Department. It is statutory Register. Major repairs done and charge of rope are recorded. Rope splicer has a planned maintenance work and hence it is schedule to do it in general shift 8 A.M. to 4 P.M. on a suitable day. A rope splicer in general shift can attend to work in all the three shifts. As rope splicer can take time to plan his work, they did not recommend posting of Rope Splicers for 2nd and 3rd shifts. If there is an accident the Rope splicer is called on over time work basis. If the breakdown is minor nature the Hammerman or striker might himself attend to it. We pay acting allowance of Category V whenever Hammermen are required to do repair or maintenance work of rope splicer. It happens very occasionally. A single Rope splicer should be able to management 25 to 30 ropes in a mine with an annual out put of about 5 lakhs tons.

14. MW-2 is K. Raghavendra Rao. He deposed that he is working as Senior Divisional Engineer. I am a Mechanical Engineer and I am well acquainted with all types of work in mines. He also worked as Mine Authorised Engineer for 6 1/2 years. He worked as Fit Engineer. He knows the work of Rope Splicer. His duties are to repair and splice ropes when there is rope shift. If necessary he will replace ropes. He is also expected to do preventive maintenance work. In 2nd and 3rd shifts they have no rope splicing. The hammerman alone work in these two shifts. They do the work of minor repairs and maintenance. If there is

emergency and rope splicers presence is needed they call them. For such duties they will be paid officiating allowance and over time wages. The breakdown are not common on working days, there will only be maintenance work. Only on Holidays the major repairs will be undertaken by rope splicers and they pay double wages. In general shift also if there is need the Rope Splicer would attend to some repairs. They would see that there will be no breakdown in 2nd and 3rd shifts. Workers doing work on MA-50 Machine and Long Wall machines are not paid dust allowance in other coal industries. These persons are paid underground allowance and wages fixed for them are much higher when compared to other workers. J.B.C.C. recommended providing for Dust Filters and Masks for these workers and we did provide them to the workers working on Long Wall Machines and A.M. 50 Machines. To reduce dust and clear it quickly they come the ventilation and provide sufficient exhaust ventilation and we also spray water in a mist to keep down the dust for long wall machine. The demand of workers for payment of Dust allowance for men working on A.M. 50 and Long Wall Machine is not justified. Electrical Charge hands are in two grade C Grade and B Grade. The Electricians are in 4th, 5th and 6th Categories. Some are working 'C' Grade charge-man. Electricians in Category list who have put in a minimum of 5 years service will be subjected to a trade test and qualified people who will be appointed as C Grade Electrical charge hands. Chargehand 'C' Electrical after five years service are eligible for 'B' grade and they are not to be authorised electrical supervisors of Mines as per statutory provisions. Only people who pass the supervisory certificate examination conducted by the Chief Electrical Inspector of the State for Mines will be directly drafted into 'B' Grade. They may be in 4th, 5th or 6th category at the time of drafting. Only those persons with the supervisor examination certificate can be authorised as Electrical Supervisor of the Mine. In Singareni they are straightway appointing them in 'B' grade.

15. MW-3 is G. Kanakalingeswar Rao. He deposed that based upon his actual experience in the Mines, he is of the opinion that no dust allowance is required for workers working in A.M. 50 machines and long wall machine and A.M. 50 machine are not exposed to thick dust. A.M. 50 and Long Wall machine are provided with dust suppression arrangement. Thus the dust generation will be minimised. The workers working as on AM 50 machine and Long Wall machine are provided with dust mask. The dust masks are provided to these workers on the recommendation of J.B.C.C.I. All workers working on these machines are paid underground allowance because they are working underground. The C.S.P. Workmen are not paid dust allowance, but they are paid special allowance of Rs. 15.00 per month.

16. MW-4 is A. Purushotham. He deposed that he is working as Deputy Chief Mining Engineer, Ramakrishnapur Project. According to the workload in his experience he has not found that rope splicer is required in back shift. The second and third shifts are treated as back shifts in Singareni Mines. The rope splicer is in the Vth Category. He inspects the hauler ropes and maintains the rope and also changes the rope. The Rope splicers are posted in first shift i.e. General Shift. Rope Splicer according to statute, he has to examine the ropes every day and if there is a damage, he has to repair and to its maintenance. Rope splicer is always assisted by Hammerman and depending upon the work and necessity, other workmen will be provided. The Hammerman works under the instructions of Rope Splicer in First Shift and in the back shifts, he will be working under the instructions of supervisors. They have not provided rope splicer in the back shift as all the maintenance and inspecting works are done in the general shift. If a major breakdown occurs in back shift if Hammerman is capable of repairing as per the instructions of supervisor, he will be asked to do the job and the Hammerman will be paid the difference of wage for that day between Cat. III and Cat. V. Whenever there is breakdown there will be production loss. The Hammerman will be considered for the post of Rope Splicer and when vacancies arise depending upon the seniority and merits. There is no workload in the 2nd and 3rd shift and it is also not necessary to post the rope splicer in those shifts. If the rope is cut off, the tube runs down uncontrolled and serious accident can occur. It is incorrect to suggest that the Company is using all wornout ropes and there are frequent break downs and hammerman are discharging the duties of rope splicer. It

is not correct that the above conditions normally prevalent in the 2nd and 3rd shift in the mine.

17. MW-5 and MW-6 speak the same version as stated by MW-1 to MW-4. MW-6 speaks about the loss incurred by the Company.

18. The arguments of the counsel for the Petitioner-Union, the normal practice that the Rope Splicers are engaged only during the General Shifts and during the other shifts the Rope Splicers/Hammerman are performing the duties of rope splicers. Further stated that there are difference of wages between the work of Hammerman and Rope Splicers, and the demand of the petitioner that the workmen who are working in Category III are entitled to Category V in 2nd and 3rd shift. It is their case that though the management is extracting the work from the work of Category V, they are paying the wages of Category III defeating the just and fair demand and that as per the Coal Mines Regulations, the Workmen are independently working as Rope Splicers during the shifts. The other contention of the Petitioner Union is for payment of dust allowance to the workers engaged on AM-50 Machines and Long Wall Machines. Their claim is that the workers were working in thick dust prone area with the result that their health are being deteriorated from time to time, hence claiming Dust Allowance of Rs. 20.00 per month per head and the last contention of the petitioner Union is that the Electrical Supervisors are the certificate holders from the appropriate Authority and they should be fixed in Grade 'A' to Sri K. Rajasekharam, D. Satyanarayana, V. Shamsunder, S. Kamalakur Rao, D. Yellai, Hanumanlu, J. V. Ganesh and K. Sudershan.

19. The Respondent Management filed its written arguments. It is contended that normally for maintenance jobs one Rope Splicer is sufficient as breakdown is not regular is only due to wear and tear that some attention is required for the rope to move continuously and out of abundant caution, one Hammerman will be kept on the job so that he may attend to this work, if necessary. The job which is done by the Hammerman is not similar to Rope Splicer's job and it is in the nature of repairs done which is minimum. During the General Shift the Engineer, Colliery Manager and also the Rope Splicer will check the ropes periodically and take precautionary measure and do maintenance jobs to avoid any possible break down. One cannot equate the job of Hammerman with that of Rope Splicer. The allocation of work and the personnel to various shifts is not a matter the Union can interfere. In the guise of asking a Rope Splicer to be posted in 2nd and 3rd shifts what the Union demanding is revision of pay scales for Hammerman. This appears to be the main aim of the Union. It is also not correct to state that the management is extracting Category V work from Category III employees. They put up a demand for appointing Category V Rope Splicers in other shifts also. It may be that Hammerman is in Category III and Rope Splicer is in Category V and there are cases where Hammerman have been promoted as Rope Splicer that will depend on performance of work and person's ability to do the work. It is not open to the Unions in Singareni Collieries Company Limited, to seek variations by raising demands which are couched in a language to make it appear that they are different demands altogether. The second issue relates to grant of Dust Allowance to persons engaged on A.M. 50 Machine and Long wall Machines. This demand is one and the same which is mentioned in I. D. No. 15/1984. The entire aspect is covered in the said written submission about Dust Allowance and financial capacity. The same may also be read as part and parcel of this written submission. Regarding the third demand, it is submitted that the Electrical Department workmen who had the requisite qualification of Electrical Supervisory Certificate (Mines) are initially appointed as Electrical Chargehands in Technical Grade-B and considered for promotion to Grade-A after 3 years of service in Grade-B on seniority-cum-merits basis. The qualification may be the same, but they must acquire necessary skills, aptitude and other requirements for doing the job. As per the cadre scheme finalised by the Committee on promotion policy of the Joint Bipartite Committee III for the Coal Industry, even for appointment for Grade-C (Asst. Foreman/Chargehand) the minimum qualification prescribed in Electrical Supervisory Certificate valid for mines. Such personnel are entitled for promotion to Grade-B with designation as Foreman on promotion on completion of 3 years of experience in Grade-C as Asst. Foreman and on completion

of 3 years of service in Grade B they are eligible for placement in Grade-A with designation as Foreman subject to vacancies. The demands of the Petitioner may be rejected.

20. The evidence of WW-1 who is working as Rope Striker. He says that the work of Rope Splicer is in underground. Rope Splicers are in Category V. The Rope Striker is in Category III. He says that Rope Striker are made to work as Rope Splicers and he did the same job for four years and that he was paid acting allowance for the duties performed by him as Rope Splicer in Category V. In the cross examination of WW-1 evidence he studied that it is true that whenever Rope Splicer is not present and any exigencies arises the senior most rope striker is entrusted with the work of Rope Splicer. He further deposes that it is not correct to say that the Rope will be changed for maintenance work in the general shift. In the night shift and back shifts i.e. second and third shifts whenever there are any breakdowns of Ropes the Rope Striker will attend to the Rope Splicer's job. The Rope Striker only helps the rope splicer by giving him the implements. If there is a Rope man he will put the pins and bolts. If he is not there the Rope Striker attends to them. Rope man is no other than Rope Splicer. It is true that the General Mazdoors after getting the skill of the job get promotions as Hammerman, Rope Striker and then the Rope Splicer. What has been stated above, I find that the Rope Strikers are doing the job of Rope Splicers and getting the acting allowance. It clearly shows that the Rope Strikers are capable of doing the job of Rope Splicers in their absence. No doubt the Management is extracting the work of Rope Splicers from the Rope Strikers and that the Petitioner-Union was right in stating that there are difference of wage be seen the work of Hammerman and rope splicers. Hence these demand of the Petitioner-Union that the posting of Rope Splicers in Category V in 2nd and 3rd Shifts. I find it fair and reasonable.

21. The next demand is with regard to payment of Dust Allowance. The contention of the Petitioner-Union is that the Dust Allowance is provided to the workmen who are working on surface i.e. in the Coal Screening Plant and Coal Handling Plant and they were being paid Rs. 20.00 per month per head. Their claim is that the dust at the surface is not much as compared with in underground mines. In the underground mines there are heavy thick dust emanating from the A.M. 50 Machine Section. There is no outlet of dust in the underground and cloths of the workmen get soiled and coated with heavy dust. The workmen has to inhale dust throughout their duty hours and by this way the health of the workmen working on A.M. 50 machine get deteriorated from time to time. I find that their claim is reasonable and just because the workmen working in underground mines i.e. A.M. 50 Machine Section are exposed to thick dust when compared to the workmen working at C.S.P. and C.H.P. on the surface, and which are admittedly hazardous and working at great risk. Hence the workmen who are working in A.M. 50 Machine and Long Wall Machine are entitled for the Dust Allowance.

22. The last demand of the Petitioner-Union is with regard to grant of Technical Grade-A to Electrical Charge hands working as Electrical Supervisors. The claim of the petitioner Union is that the Electrical Supervisors are Certificate Holders. As per the Coal Wage Agreement they should be given 'A' Grade as per the qualifications. But the Management has given them 'B' Grade which is not just and fair, even though they are having the requisite qualifications. What is stated above, I find that S/Sri K. Rajasekharan, D. Satyanarayana, T. Shamsunder, S. Kamalakar Rao, D. Yellaiah, Hanmalu, J. V. Ganesh and K. Sudershan are entitled for Technical Grade 'A' since they are Certificate Holders and having the requisite qualifications for the post of Technical Grade 'A' and quite reasonable.

23. In the result, the following demands of the workmen employed by Messrs Singareni Collieries Company Limited are justified :

- (i) Posting of Rope Splicers in Category V in second and third shifts.
- (ii) Grant of dust allowance to the workers engaged on A.M. 50 Machines and Long Wall Machines and

- (iii) Grant of Technical Grade 'A' to Electrical charge hands working as Electrical Supervisors.

The workmen are entitled to claim all the benefits mentioned above.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 1st day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I
Appendix of Evidence

Witnesses Examined

for the Workmen :

- WW-1—O. Narayana
- WW-2—M. Prabhakar
- WW-3—J. Narsimha Reddy
- WW-4—P. Raja Komaraiah
- WW-5—B. Jagannatham
- WW-6—T. Rajamalliah
- WW-7—J. Durgaiah

Witnesses Examined

for the Management :

- MW-1—S. Chandrudu
- MW-2—K. Raghavendra Rao
- MW-3—G. Kanakalingeswara Rao
- MW-4—A. Purushotham
- MW-5—V. Ramachander Rao
- MW-6—P. A. V. V. Sarma.

Documents marked for the Workmen :

- Ex. W-1—Strike Notice dated 26-12-83 issued to the Chief Executive Director, S.C. Co. Ltd., and 3 others by J. Durgaiah, President, Singareni, Collieries Engineering Workers' Union with regard to charter of demands.
- Ex. W-2—Representation dated 3-3-84 made by J. Durgaiah, President Singareni Collieries Engineering Worker's Union to the Hon'ble Chief Minister, Government of Andhra Pradesh, Hyderabad.
- Ex. W-3—Photostat copy of the High Court's Order dated 27-3-86 in W.P.M.P. No. 4511/86 in W.P. No. 3333/86 with regard to T. Raja Mallaiah to continue as Rope Splicer till disposal of I. D. 59/84 pending before Industrial Tribunal at Hyderabad.
- Ex. W-4—Copy of the Office Order dated 10-7-81 issued to K. Rajasekharam and 4 others by the Chief General Manager, S.C. Co. Ltd., promoting them as Electrical chargehands.

Documents marked for the Management :

- Ex. M-1—Photostat copy of the Register of Persons employed below Ground during the months of September, 1987 at G.D.K. No. 6 Incline.
- Ex. M-2—Photostat copy of the Register of persons employed below Ground during the month of July, 1987.
- Ex. M-3—Central Wage Board for coal mining Industry (Register)
- Ex. M-4—Copy of the Joint Bipartite Committee for coal Industry Coal India Limited.
- Ex. M-5—Photostat copy of the details of Manpower of Rope Splicer and Hammerman for the years 1984 and 1988.
- Ex. M-6—Photostat copy of Men on roll book No. 1 for the year 1988.
- Ex. M-7—Photostat copy of Men on roll book No. 2 for the year 1988.

- Ex. M-8—Photostat copy on Men on roll book No. 3 for the year 1988.
- Ex. M-9—Photostat copy of Men on roll book No. 4 for the year 1988.
- Ex. M-10—Photostat copy of Men on roll book No. 5 for the year 1988.
- Ex. M-11—Photostat copy of Men on roll book No. 6 for the year 1988.
- Ex. M-12—Photostat copy of Men on roll book No. 7 for the year 1988.
- Ex. M-13—Photostat copy of Men on roll book No. 8 for the year 1988.
- Ex. M-14—Photostat copy of Men on roll book No. 9 for the year 1988.
- Ex. M-15—Photostat copy of Men on roll book No. 10 for the year 1988.
- Ex. M-16—Photostat copy of Men on roll book No. 11 for the year 1984.
- Ex. M-17—Photostat copy of Men on roll book No. 12 for the year 1984.
- Ex. M-18—Photostat copy of Men on roll book No. 13 for the year 1984.
- Ex. M-19—Photostat copy of Men on roll book No. 14 for the year 1984.
- Ex. M-20—Photostat copy of Men on roll book No. 15 for the year 1984.
- Ex. M-21—Photostat copy of Men on roll book No. 16 for the year 1984.
- Ex. M-22—Photostat copy of Men on roll book No. 17 for the year 1984.
- Ex. M-23—Photostat copy of Men on roll book No. 18 for the year 1984.
- Ex. M-24—Photostat copy of Men on roll book No. 19 for the year 1984.
- Ex. M-25—Photostat copy of Men on roll book No. 20 for the year 1984.
- Ex. M-26—Photostat copy of the details of production lost due to break down of rope in II and III shifts in Mines for the years 1984 and 1988.
- Ex. M-27—Photostat copy of the acting musters and acting allowance paid to Rope Strikers (Hammermen) worked in place of Rope Splicers in II and III shifts in the Mines for the year 1984 and January 1988 to October, 1988.
- Ex. M-28—Photostat copy of the details of Rope Splicers attended for work in II and III shifts in Mines and amount of Overtime paid to them for the years 1984 and 1988.
- Ex. M-29—Photostat copy of Haulage Rope record book pertaining to 5 Incline, Kothagudem Area for the year 1983.
- Ex. M-30—Photostat copy of Haulage Rope record book pertaining to GDK, I Incline Godavarikhani for the year 1987.
- Ex. M-31—Photostat copy of the Haulage Rope record book pertaining to K.K. I Incline, Mandamarri Area for the year 1988.
- Ex. M-32—Photostat copy of the Haulage Rope record book pertaining to K.K. 2 Incline, Mandamarri Area for the years 1987 and 1988.
- Ex. M-33—Office Order dated 15-4-1985 issued to B. Sudarshanam and 7 others with regard to promotion as charge hands by the Chairman and Managing Director, S.C. Co. Ltd., Kothagudem Collieries.

Ex. M-34—Photostat copy of the National Coal Wage Agreement-III implementation No. 30, dated 26-6-84.

Ex. M-35—Copy of the Memorandum of Settlement arrived at U/s. 12(3) of the I. D. Act, 1947 between the Management of S.C. Co. Ltd., Kothagudem and their workmen represented by S.C. Workers' Union (AITUC), S.C.M.L. Union (INTUC), S.C. Employees Union (CITU), S.C. Miners and Engineering workers Union (HMS), S.C.M.K. Sangh (BMS) and S.I.C.C. Association before the C.L.C. (C), New Delhi on 3rd March, 1989 at Hyderabad.

Ex. M-36—67th Annual Report and Accounts for the year 1987-88.

Ex. M-37—68th Annual Report and Accounts for the year 1989.

Ex. M-38—71st Annual Report and Accounts for the year 1991-92.

नई दिल्ली, 16 सितम्बर, 1993

का. भा. 2175:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी.एल. के प्रधान के संबद्ध निवासों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-93 को प्राप्त हुआ था।

[संख्या एल.-22011/24/83-डो-III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 16th September, 1993

S.O. 2175—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 15-9-93.

[No. L-22011/24/83-D.III (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 1st day of September, 1993

Industrial Dispute No. 15 of 1984

BETWEEN

The Workmen of Singareni Collieries,
Company Limited, Godavarikhani,
Karimnagar.

Petitioner

AND

The Management of Singareni Collieries,
Co. Ltd., Godavarikhani, Karimnagar... Respondent.

APPEARANCES :

Sri G. Bikshapathi, Advocate—for the Petitioner.

M/s. K. Srinivasa Murthy, H. K. Suigal and Miss
G. Sudha, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22011(24)/83.D.II(B) dt. 29-2-1984 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Singareni Collieries Company Limited, Godavarikhani to this Tribunal for adjudication :

"Whether the management of Singareni Collieries Company Limited is justified in not giving (1) Uniforms, (2) Washing Allowance and (3) Dust Allowance to Machine Mining Operators, Machine Mining helpers and A.M. 50 Operators. If not, to what relief are the workmen concerned entitled ?"

This reference was registered as Industrial Dispute No. 15 of 1984 and notices were issued to the parties.

2. The brief facts of the claim statement filed by the Petitioner-workman read as follows :

The Andhra Pradesh Collieries Mazdoor Sangh, Godavari Khani represented by its Secretary claiming washing allowance, dust allowance and uniforms to machine mining Operators, machine mining helpers and A.M. 50 Operators from the date of demand of the date of strike notice whichever is just and reasonable and pass necessary orders. That the Union submitted a number of demands with regard to service conditions of the workmen employed in the Singareni Collieries Company as there was no response from the Management, the Union issued a strike notice on 30-10-1982 and it is a Public Utility Service, the matter was admitted in the conciliation by the Asst. Labour Commissioner, Central and conciliation meeting was held. The Union submitted 15 demands to the management and conciliation meetings were also held in respect of those demands and only three demands were referred to the Tribunal by way of reference. Therefore the Union filed claims statement in respect of three demands while other demands are pending for reference for being referred. The Machine Mining Operators, Machine Mining Helpers and A.M. 50 Operators are required to under take heavy manual work and they are exposed to dust and other climatic pollutions. The Drivers in heavy and light vehicles Power House Workers, Workshop workers are provided with Uniforms. The Machine Mining Operators, Machine Mining Helpers and AM-50 Operators are in no way inferior to that of the staff mentioned above. The workers are not given uniforms with the result their personal uniform is being destroyed and they are required to replace by incurring heavy financial expenses. The Uniform is a must to the workman and it is being provided in similarly placed industries in other states. Therefore the Union demanded four pairs of uniforms every year to the Machine Mining Operators, Machine Mining Helpers and A.M. 50 Operators. It is just and reasonable. Washing Allowance is connected to the demand of Uniforms to be provided. The uniform should be kept and maintained in proper manner in order to keep up the uniform clean. The cost of washing detergents has been increasing every day. Therefore it is just and necessary that the Tribunal be pleased to direct the Management to grant Washing Allowance of Rs. 25.00 per month per head to Machine Mining Operators, Machine Mining Helpers and A.M. 50 Operators. The Workmen under reference are exposed to heavy machinery dust since they have to work in highly polluted atmosphere. The workmen by virtue of their being employed on such mining works have to necessarily inhale the dust and other poisonous air which is released during the mining operations. Therefore the workmen have to protect their health by taking medicines and nutriment to arrest the ill-effects of the dust which is spread over the area of their workplace. Due to this dust number of workers are falling sick frequently. The workers in C.S.P. and C.H.P. and drivers who are also on coal transport work are being paid special allowance to defray expenses for being exposed to heavy dust. Therefore the Union prayed that the Management be directed to pay dust allowance of Rs. 75.00 per month per head to the workmen concerned.

3. The brief facts of the counter filed by the Respondent Management read as follows : Most of the issues referred to this Tribunal have already figured in their demand presented by the Union including A. P. Colliery Mazdoor Sangh over which a comprehensive settlement was arrived at on 29-1-1981 as per which the Union agreed not to raise any

demand involving monetary commitment during the period of the agreement i.e. upto 31-12-82 as per the provisions of the I.D. Act the settlement will remain in force till a settlement terminated by a notice, the Union is therefore stopped from agitating the demand involving monetary commitment during the tenure of the settlement which culminated into a reference. There is no justification to refer to any of these issues for adjudication during the tenure of the settlement under Section 12(3) of the I.D. Act. In Coal Mining Industry most of the workers are employed underground for extracting coal and they are paid extra allowance known as underground allowance. The workers employed on surface in comparison with underground is far less. It is submitted that none of the underground workers are provided with or entitled to any uniforms in the entire coal industry. The machine mining operators, machine mining helpers and A.M. 50 operators for whom uniforms are claimed are employed underground. While the emoluments drawn by them are relatively higher apart from underground allowance which takes care of all the necessities but workmen involved in the dispute are paid higher emoluments in S. C. Company when compared with the rest of the coal industry. The machine mining operator who are only entitled for Category V and VI under Coal Wage Board as modified by the Coal Wage Agreements are being paid excavation category C in S. C. Company by virtue of an agreement dt. 18-9-1975. The relative emoluments of Category VI and Category C are as follows :

	Total minimum of the category	Total maximum of the category
Category VI	1190.70	1691.24
Category-C	1218.69	1997.00

Similarly the Machine Mining Helpers who are called Cablemen are only entitled to Category III whereas they are being paid Category IV in Singareni. The relative emoluments of Category III and Category IV are as under.

	Total minimum of the Category.
Category-III	Rs. 987.92
Category-IV	Rs. 1031.35

A.M. 50 Operators are included in the Group of workmen who are interchangeable. While they are entitled for Category V in the rest of the Coal Industry, the Operators are being paid Excavation Category B wages which is substantially higher than what is admissible in the rest of the Coal Industry. The relative emoluments of Category B and Category V are as under :

	Total minimum of the Category
Category-A	Rs. 1,276.06
Category-V	Rs. 1,091.51

The workers in some of the Surface Departments are setting uniforms by virtue of law, customs and practice which has come to stay. The comparison between the motor Drivers in the matter of uniforms is therefore not correct. As per the Settlement dated 29-1-1981 there is no issue of any grant of uniforms to any of the underground workers much less machine mining operators, machine mining helpers and AM-50 workers. Therefore they are not entitled for the uniforms. The payment of Washing allowance is directly connected with the provisions of uniforms when the workers are not entitled for uniforms the question of payment of washing allowance does not arise. In some of the other most of the workers employed in coal industry are exposed to dust. Payment of dust allowance is not in vogue in the coal industry. All the Unions including the A. P. C. M. Sangh which is a party to the present dispute demanded payment of dust allowance to the present Machine Mining Staff etc. in their strike notice in 1980 over which a comprehensive Memorandum of Settlement was arrived at on 29-1-1981 and the Union did not press the demand for obvious reasons as no such allowance is admissible in the rest of the Coal Industry. The dust allowance is one of the issues figured in the National Coal Wage Agreements recently concluded at the National level. It was specifically agreed at para 5-3-84 of N.C.W.A. III that the workmen exposed to heavy dust conditions at the place will be provided a dust mask within six months. This settlement is applicable to the entire coal industry including Singareni and the A.P.C.M. Sangh which claims affiliation to I.N.T.U.C. as it is a party to the said agreement.

The management has already provided respiratory filters at considerable cost to the workmen who are machine mining as against the ordinary masks and the management has complied with the settlement much before the Settlement has come into force. Thus all the demands are untenable and they are no justification in any way for making such demands.

4. W.W1 is examined on behalf of the Petitioner and marked Ex. W1 to W2 were marked. While the Management examined M.W1 and M.W2 and marked Ex. M1 to M5.

5. W.W1 is Abdul Raouf. He deposed that he is the Treasurer of A. P. Colliery Mazdoors Sangh. He is also working as Machine Mining Operator concerned in this dispute. They operate the machine which loads the coal in the Mines. This operation takes place within 15 minutes after the blasting operation. The A.M. 50 operator work on the machine which automatically cuts the coal in the Mine and loads on the conveyor belt. All this process takes place underground. There will be flow of use of dust while loading the coal and also placing conveyor belt. There will be air pollution and very often sent for screening test for fringes and any ailments due to this in-haling dust. Due to inhalation of dust number of workmen exposed to lung disease. One Sri Koutla Pocham working as M.M. Operator was made medically unfit on account of lung disease and he was granted compensation of Rs. 27,000.00. Papaya and Lingaiah and some others who were suspected were kept on medical leave for sometime due to the said inhalation of coal dust. One Sri Uppali Machine Operator was kept on six months tuberculosis disease due to inhalation of coal dust, and recently they again asked to join into duty after medical fitness. Except those who operate upon A.M. 50 machine, or others are not given any protective equipment from this coal dust. A.M. 50 machine operators are given about 50 to 60 grams of jaggery. The A.M. 50 Machine operators are provided with a mask with some porous containers for covering their mouth and nose. Those masks can be used for 15 to 20 minutes at this stage and they cannot be used continuously as they will be breathing trouble due to floating of coal dust on the masks. So the masks given are not used continuously and they have to be washed frequently and thus in the intervening period even the A.M. 50 machine operators have to function without masks. We are not provided with any dust allowance. National Coal Development Corporation is giving dust allowance for all such machine operators working in the Coal Mines. Even in Singareni Collieries for the Drivers and the other workmen employed in Coal Screening Plant and Coal Handling Plant are provided special allowance without naming the dust allowance. The coal dust is similar either at that place or at the places where we worked. In the Coal Screening Plant and Coal Handling Plant the drivers are not working underground while the workers in our coal Mines whom I am referring to as the workmen do work in underground mines. So they require more protective masks and more dust allowance or special allowance as they style. They are provided Rs. 15.00 to Rs. 25.00 as dust allowance per month. It has fixed about two or three years back. We requested dust allowance of Rs. 75.00 per month now. In the Mine where we dig the actual coal and lift and put into the Iron ore conveyor belt in the underground where there is no scope of fresh air we are not given any dust allowance and protective equipments, but when the same coal comes to the surface to the Coal Screening Plant and Coal Handling Plant the operators, workers, drivers, workers are provided with special allowance without call it as dust allowance. The coal dust will more thickly spread in the underground Mines and there is no purification of air in the underground Mines whereas when the coal comes to the surface there is a fresh air and also a mask are provided and there is less spreading of the coal dust with reference to square feet vis-a-vis underground. We are provided with Boots but we are not given Uniforms. We have to use our own uniform or Clothes as they are not given by the Company. For us when we work underground our cloths got soiled due to lack of free air and the dust will be coated on our clothes. In the case of open cast Mining, the Machine Operators are provided with Uniforms of two sets per annum. The Lorry Driver are also provided with Uniforms. The fall of Coal dust will be more on the operators workers who are working underground than on the operators and workers who work on the above

ground level of the Mines. They requested for four pairs of Dresses to each worker who is working underground per year. They also prayed that for the purpose of cleanliness, the dusts uncleaned dress should be washed and thus we should be paid washing allowance of Rs. 25.00 per month. They are paying Rs. 12.00 per month for the open Cast Mine workers and Drivers for their dresses. When the demands are placed before the Conciliation Officer after their representation to the Management the minutes resulting in the said conciliation proceedings the minutes are marked as Ex. W1. The failure report sent by the Conciliation Officer to the Government is Ex. W2. The settlement dt. 29-1-1981 has no relevance to the present demands. Even the operation of the settlement expired by 31-12-1982. So we pray for Dust Allowance at Rs. 75.00 per month and four pairs of dresses per annum and Rs. 25.00 Washing Allowance per worker per month.

6. M.W1 is E. Raja Rao. He deposed that he is working as Divisional Engineer in Singareni Collieries Company Limited, Godavari Khani for more than 12 1/2 years. For all these years he has been in charge of the Machine Mining Equipment that are in use in S. C. Company. He has been administratively controlling the Machine Mining Workers like Operators, Machine Helpers etc. connected to Machine Mining Equipment. These Machinery are in use in underground. There are about 87,000 workers in S. C. Company Limited. About 80 per cent of the workers are working in Underground. None of the workers working in Underground on these machine are being given Uniforms, washing allowance and Dust allowance. They are mostly basing of their structure on Coal India pattern. Because Coal India are not giving Uniforms, and Washing Allowance and special Allowance to the workers such categories of Machine Operators and Machine Helpers, they are also not giving. It is not covered by any act or agreement. In their Opinion there is no necessity to give uniform Washing Allowance, Dust allowance to the Machine Operators and Machine Mining Helpers. These workers are covered by N.C.W.A. III as on today and there is no specific mention to give Washing Allowance and Dust Allowance to these workers. The Machine Mining Equipment is more in the Coal India than in S. C. Company Limited. Singareni is producing 10 per cent of the coal that is produced in C.I.L. Coal when compared to Coal India. He produced the documents to show that Central Coal Fields, Ranchi are not paying any allowance as specified in the dispute to the Machine Operators etc. The letter is marked as Ex. M1 (2 pages). The Machine Mining Operators are placed in Category V or VI in Coal India whereas in S. C. Company Limited, they are paid O Grade 'C' which is much higher than category V or VI. A.M5 Operators are in Category VI in Coal India whereas S. C. Company Limited is giving Category 'B' which is much more than category VI or Category 'C'. In S. C. Company Limited they are giving attractive incentives also. A.M. 50 Operators also are not paid Uniform allowance Washing Allowance and Dust Allowance.

7. M.W2 is U. Rama Rao. He deposed that he is working as Deputy Chief Mining Engineer in S. C. Company Limited at GDK 7 and 7-A Incline for the last 7 years. The workers are paid wages as per the National Coal Wage Agreement. He sees Ex. M2 which is N.C.W.A. III at page 14 of it Paragraph 534 deals with regard to dust. All the workmen working under A.M. 50 Machine are also covered under N.C.W.A. III and they were paid wages. For the workers who work in underground in the Mines they are paid underground allowance. However few operators are getting higher wages because of fixation problems here and there. The Operators who are working on A.M. 50 Machine are paid more wages in higher category than the wage fixed under the N.C.W.A. III. This Union is a party to discussion under the National Wage Agreement and also agreed for N.C.W.A. III wages. For the Coal Industry as a Mining Engineer he knows that Pneumoconiosis is considered as occupation disease. Tuberculosis is not considered as an occupation disease as far as Coal Industry is concerned.

8. M.W3 is C. Vdiya Shankar. He deposed that he is working as Junior Accounts Officer in the Respondent. Their Company is having regular audited balance sheets. These balance sheets indicate the financial position of their Company. Their Company is running loss.

9. The point for adjudication is whether the Management is justified in not giving (1) Uniforms, (2) Washing Allowance and (3) Dust Allowance to Machine Mining Operators, Machine Mining Helpers and A.M. 50 Operators

10. My predecessor passed an Award on 22-5-1986 on the above reference. Subsequently the Management has filed W.P. No. 17069/86 challenging the above said Award. The Hon'ble High Court remitted the matter back to this Tribunal by an order dt. 6-3-1989 with following observation:

"Under those circumstances, I find that the view taken by the learned judge is not correct and the law laid down with regard to the financial capacity has not been taken into consideration. I feel this is a fit case where the matter has to be remitted back to the Tribunal for fresh disposal."

With the above observation, this Tribunal has to dispose of the matter afresh.

11. The Petitioner demanded uniforms, Washing Allowance and Dust Allowance to three categories of workmen namely Machine Mining Operators, Machine Mining Helpers and A.M. 50 Operators working underground situated at S. C. Company Limited, Godavari Khani. The Respondent relied upon the evidence of M.W1 and M.W2 and M.W3 to show that these demands are not liable to be sanctioned. But the evidence of M.W1 would show that A.M. 50 Machine Operators were introduced in 1978-79 and Machine Mining Operators who are in Grade C while A.M. 50 Machine Operators are in Grade B both work underground. According to him, for underground Mining A.M. 50 Machine are used. It is admitted by him that A.M. 50 Machine Operators and Machine Mining Helper and Machine Mining Operators work underground. He admitted that the coal is extracted from the underground and at that time of extraction dust is bound to come and the workers who work with extraction of coal are certainly exposed to coal dust. He further deposed that the underground workers are exposed to dust and difficult working conditions and when the coal is extracted dust emanated is inhaled by everybody and their clothes get soiled or spoiled. That is why the workers wear old worn out dress while going into the Mines and they change their clothes after they come out. Lastly he admitted that the ordinary clothes are worn they get dusted and spoiled and sometimes oil gets sprinkled on the clothes. M.W2 deposed that it is true that the workers in the underground lift the coal and put them on the conveyor belts and their clothes get soiled due to dust. According to him unless J.B.C.C.I. decide they cannot be given uniforms or Dust Allowance. According to M.W2 the J.B.C.C.I. decided to give underground allowance at 20 per cent of basic salary to each person for such contingencies. There are two methods of coal extraction, one is hand section and another is machine section and as far as pollution is concerned there is no difference between hand section and machine engaged section. The Management are not paying dust allowance but they are giving dust mask as per J.B.C.C.I. recommendation. According to W.W1 who is the Treasurer of A. P. Colliery Mazdoor Sangh who deposed that these Machine Mining Operators, Machine Mining Helpers and A.M. 50 Machine Operators working in the Coal Mines underground inhale dust and they are exposed to lung disease mostly known as PNEUMOCONIOSIS and that all these three categories of persons work underground and get their clothes soiled due to lack of fresh air and dust get coated on their clothes while extracting coal. Even the evidence of the Management witnesses who are the official concerned would also justify that the underground workers, i.e., Machine Mining Operator, Machine Mining Helpers and A.M. 50 Machine Operators get their clothes soiled and spoiled and they are not giving uniforms and no washing allowance is paid and though they get dust coated on their clothes no dust allowance is paid. It is also found in the evidence of M.W1 that apart from the Singareni Collieries Drivers who are given Dress/Uniform and Washing Allowance that the work at the Coal Screening Plant and Coal Handling Plant the people are given special allowance on the basis of agreements, though the same is not style as either dust allowance. But it is admitted that at the Coal Screening Plant as well as Coal Handling Plant which is done on the surface that there is dust and they are given special allowance without naming it as dust allowance by virtue of an agreement. In the C.S.P. and C.H.P. the

drivers are not working underground while the workers in the coal mines of these three categories under reference work in underground mines. W.W1 asserted that the drivers who work at C.S.P. and C.H.P. are provided with special allowance and the coal dust is similar either as the place where they work and must move so underground where these three categories of people work. Nobody could deny that in the Mines where three categories of workers dig the actual coal, put on the conveyor belt in the underground and that there is any scope for fresh air. It is admitted and conceded that there is only dust. It is the Management's case that these problems are under consideration by the All India Committee comprising the workers representatives as well as Management representatives of All Coal Fields that all the three categories of workmen including A.M. 50 Machine Operators are covered under N.C.W.A. III. First of all the question is a humanitarian problem. As deposed by W.W1 the dust mask given can be used for 15 to 20 minutes at a time or stage and they cannot be used continuously due to trouble in breathing due to coating of dust and the dust mask cannot be used continuously and they have to be washed frequently and thus in the intervening periods A.M. 50 Machine Operators have to function without masks and they are not provided with any special allowance or dust allowance. According to M.W1 the Wage structure is the same in the Mines throughout India except for few operators getting higher wages because of fixation problem here and there. The ground taken by the Management is that in other coal industry such allowance are not paid. It is their case that because N.C.W.A. mentioned that dust mask should be provided where the workmen are exposed to heavy dust conditions within six months they have provided dust masks and there is no mention about giving dust allowance, and no underground workers are getting such allowance, and all coal mines in India are covered by uniform wage structure and service condition. But M.W1 did not know that Open Cast workers are given uniforms and dust allowance and washing allowance at Singareni in the same Company. Reasons stated by him for this ignorance is that he never worked in the Open Cast Mine. But he admitted that S.C. Company Drivers are given dresses or uniform and washing allowance and similarly that the persons who worked at the C.S.P. and C.H.P. are paid special allowance and he tried to say that it is not equal to dust allowance. He conceded that when the coal is extracted from the underground or open cast at the time of extraction of coal dust is bound to come and the persons who are concerned with extraction of coal certainly exposed to coal dust and their clothes also get soiled and spoiled and there is also an admission that they have got occupational diseases as such PNEUMOCONIOSIS. Now it is not denied that in the open cast mining machine operators are provided with two sets of uniforms per annum and lorry drivers are also provided with uniforms. When the workers of these three categories are also exposed to such dust conditions it is discriminatory to say that they should not be provided with uniforms or dust allowance, on the ground that they are governed by N.C.W.A. or that there is no such practice in other coal fields including S. C. Company Limited. In the very S.C. Company Limited for open cast mining machine operators are provided with uniform of two sets and they are also given special allowance to C.S.P. and C.H.P. So having given to those workers who are now working in Open Cast Mines without naming it as dust allowance as special allowance if the Management wants that there is some special allowance in giving it as special allowance instead of dust allowance they can name the same to these people also likewise by giving some amounts for this purpose. But it is a clear case that they are exposed to dust they should be given dust allowance on the admitted facts. So the material placed before me is so clear and thus there cannot be two options for granting dust allowance as well as uniforms and washing allowance which is automatic thing if once uniforms are given. The workers contention is that their clothes are getting soiled due to coal dust and they require washing and they also seek cleanliness of human body and hygienic conditions as essential for better work and therefore they wanted uniforms which are given to C.S.P. and C.H.P. and Open Cast mine workers. There is nothing strange if the management cannot say that these workers also require clothing as essential requirement of human life and so why the Management is providing them uniforms? For similar nature of work especially when the extraction of coal is the same in both the cases i.e. Open Cast Mines and underground they cannot distinguish the workers of Open Cast Mine from underground mines. Therefore I find justification for awarding two sets of Uniforms to these three categories of workers namely Machine Mining Operator, Machine Mining Helpers and A.M. 50 Machine Operators.

12. The next aspect is with regard to washing allowance. Once the Uniforms are given it follows as a natural corollary of it that the Uniform must be maintained hygienically and with all cleanliness and the workers should be supplied with some allowance for washing purposes. They have only demanded an allowance of Rs. 25.00 per month per head. Though they mentioned a little more amount in their evidence. In the claim statement that they wanted Rs. 25.00 as washing allowance per month per head for these three categories of workmen. I find that the same is quite reasonable and appropriate and also required. The said men is also fair and reasonable to that extent.

13. Now regarding the Dust Allowance simply because underground workers are paid higher wages you cannot pay that they should forego dust allowance. It is admitted that a person who stays continuously in the underground mine for hours together is likely to get effected with certain occupational disease and the workers affected certainly fall sick and it is not denied that some fell sick and that they were not treated in the hospital. Anyhow inhaling of dust can be minimised by Dust mask. But cannot be said that they are not risking their health for the cause of extraction of coal as an essential commodity for the general requirement of the nation. Coal dust is also very high in underground and less at the open cast mines and when the Coal Screening Plant and Coal Handling Plant drivers and workers are given allowance with a different nomenclature of special allowance when they were exposed to heavy dust, it is a pity that on the ground of N.C.W.A. III was arrived on 29-1-1981 and that the Sub-Committee of all the Unions and the Coal mines were dismissing about this problem of granting dust allowance, that this should not be granted as if it forms part of the National Wage Structure of the coal industry. This is not tenable. These unhealthy conditions which are there in the underground mines which are admittedly hazardous and when the workers are working at great risk of their lives, the sub-committee cannot be prolonged their discussions for every and the very fact that when the agreement is likely to expire on 31-12-1982, no settlement could be arrived at there afterwards would show to what sort of dragging, was being done regarding such human problems. When it is naked truth that there is heavy dust and when they are exposed to heavy dust and the dust masks provided cannot be used continuously also and the ill-effects of the dust cannot be controlled unless they are protected in their health by taking effective medicines and nutritious food to arrest the ill-effects of the dust. It is unfair to say that they should not be given dust allowance. If the National Coal Wage Agreement which is likely to come into subsequently considered this aspect also and gives them dust allowance by taking regionwise industry basis or All India basis as the case may be, the movement the said agreement comes into operation regarding dust allowance these three categories will be bound by the said agreement. Till then they are entitled for Dust allowance at the rate of Rs. 50.00 per month per head to all those categories of workers though they claimed Rs. 75.00 per month per head.

14. This matter was remanded by the Hon'ble High Court on the question of balance sheets of the Company regarding financial capacity. M.W3 was examined on behalf of the Respondent-Management. This witnesses marked certain balance sheets Exs. M6 to M21 for the years 1976 to 1992 and mentioned that the Company is running losses. In the cross examination of M.W3 he deposed that during the last 10 years, there was in the salaries of the employees. It is true that the Management has accepted the demands of the Union for increase of wages and other benefits.

15. Hence on a consideration of the evidence, facts and circumstances of the case that the action of the Management is not justified in not giving Uniforms, Washing Allowance or Dust Allowance to the workmen.

16. In the result, the Management of Singareni Collieries Company Limited is not justified in not giving (1) Uniforms, (2) Washing Allowance and (3) Dust Allowance to Machine Mining Operators, Machine Mining Helpers and A.M. 50 Operators. These three categories of employees are entitled for two pairs of Uniforms per annum per head and that they are entitled for Rs. 25.00 per month per head as Washing Allowance and Rs. 50.00 as Dust Allowance per month per head from 25-1-1983 the date of conciliation report.

2194 QI/93-6,

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 1st day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined for the Workmen :

W.W1 Abdul Rauoof.

Witnesses Examined for the

Management :

M.W1 E. Raja Rao.

M.W2 U. Rama Rao.

M.W3 C. Uday Shankar.

Documents marked for the Workmen :

Ex. W1.—Minutes of the Conciliation Proceedings held under Sec. 12(4) of the I.D. Act, 1947 in the Office of the Regional Labour Commissioner (C), Hyderabad on 11-1-83 in the strike notice No. APEMS/GDA/250/82, dt. 30-10-82. Served by the Vice President, Andhra Pradesh Colliery Mazdoor Sangh on the Executive Director, Singareni Collieries Co. Ltd., Godavarikhani over a charter of 15 demands.

Ex. W2.—Failure of conciliation report dt. 25-1-83.

Documents marked for the Management :

Ex. M1.—Photostat copy of the letter dt. 1-3-85 addressed to V. Gopala Sastry, Dy. Chief Personnel Manager, S.C. Co. Ltd., Godavarikhani (A.P.) by the Chief Personnel Manager (IR) Central Coal Fields Ltd., Darbhanga House, Ranchi with regard to Machine Mining Operators—Dresses/Uniforms, Washing Allowance and dust allowance.

Ex. M2.—National Coal Wage Agreement III.

Ex. M3.—With reference to dust allowance at page 14 of Ex. M2.

Ex. M4.—Standardisation committee at page 21 of Ex. M2.

Ex. M5.—Letter dt. 1-3-85 addressed to V. Gopala Sastry, Dy. Chief Personnel Manager, S. C. Co. Ltd., Godavarikhani by the Chief Personnel Manager (IR) Central Coal Fields Limited Darbhanga House, Ranchi with regard to Machine Mining Operators—Dresses/Uniforms/Washing Allowances and dust allowance.

Ex. M6 to M21.—Annual Report and Accounts from 1976-77 to 1991-92.

नई दिल्ली, 16 सितम्बर, 1993

का. आ. 2176 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एम.सी.सी.एल. के प्रवन्धतंत्र के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-93 को प्राप्त हुआ था।

[संख्या एन-21011/22/85 डी III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 16th September, 1993

S.O. 2176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes, the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management

of S.C.C. Ltd. and their workmen, which was received by the Central Government on 15-9-93.

[No. L-21011/22/85-D.III(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT :

Sri Y Venkatachalam, M.A., B.L.,
Industrial Tribunal-I.

Dated, the 1st September, 1993

INDUSTRIAL DISPUTE NO. 35 OF 1987

BETWEEN :

The Workmen of S.C. Co. Ltd.,
Kothagudem, Khammam District. . . Petitioner.
AND

The Management of S.C. Co. Ltd.,
Kothagudem, Khammam District . . Respondent

APPEARANCES :

Sri B. Ganga Ram, Chief Vice President, Singareni
Collieries Workers Union for the Petitioner—
Workmen.

M/s. K. Srinivasa Murthy, G. Sudha and V. Usha Rani,
Advocates for the Respondent—Management.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-21011/22/85-D.III(B) dt. 3-8-1987 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employer in relation to the Management of Singareni Collieries Company Limited, Kothagudem and their workmen this Tribunal for adjudication :—

1. Whether the action of the Management of Singareni Collieries Company Limited in relation to their Mandamarri Area in deducting the casual leave wages and house rent allowance which was paid under NCWA-III to the Badli Workers by virtue of their having once initially put in one year of continuous service is justified? If not, to what relief the workmen are entitled?"
2. Whether the action of the management of Singareni Collieries Company Limited in relation to their Mandamarri Area in not granting casual leave with wages and not paying house rent allowance to the Badli workers who have put in one year of continuous qualifying service once, and insisting for one year continuous service each time in the preceding year to qualify for the same in the succeeding year is justified? If not, to what relief the workmen are entitled?"

This reference was registered as Industrial Dispute No. 35 of 1987 and notices were served on both the parties.

2. The brief contents of the claim statement read as follows :—The case of the workmen is that the Management has resorted to illegal deductions of wages in the name of recovery from the wages of badli workers of Somagundam-3 Incline and other Mines, who have already put in one year continuous service i.e. put in 190 musters in 12 months on the wrong plea that they are not putting 190 musters in each year. The Management deducted amounts towards house rent allowances, night shift allowance, special allowance of Rs. 12.00 and wages paid for casual leave already availed and transport subsidy etc. in 2 instalments with retrospective effect i.e. from 1-1-1983 on the plea that these badlies once put in 190 musters in 12 months, but in subsequent years did not put in 190 musters. On 8th October, 1985 one instalment was already deducted from the wages paid on 8-10-1985. Later on the management agree to pay-back the wages deducted towards transport subsidy and additional transport subsidy special incentive of Rs. 12.00 per month but regarding deducted wages towards house rent allowance and casual leave the management refused

to pay back on the plea that those workers once put in 190 musters during one year did not put in 190 musters in the subsequent year. Further as per Item No. 3 (Demand No. 2) of conciliation settlement dt. 26-6-1984 before R.L.C. (C) Hyderabad it was agreed by the Management as under :

"It is agreed that all badli workers (fillers or other workers) who have completed 190/120 days of attendance as the case may be as per the provisions of I.D. Act shall be given all facilities and benefits as per the provisions of the I.D. Act as well as National Coal Wages Agreement-II like transport, subsidy, additional transport subsidy, special incentive, LTC, LLTC, etc., which are presently being given to other permanent workmen as and when they qualify and become eligible.....".

We are unable to understand that in which agreement or clauses of National Coal Wage agreement's the condition of putting 190/240 actual working musters in the subsequent years for eligibility of H.R.A. & Casual leave is imposed. As a matter of fact no where such a condition is laid down. As per the provisions of NC.W.A., I, II and III all paid holidays i.e. earned leave, casual leave, paid sick leave, accident sick leave and festival paid holidays are counted for eligibility of earned leave of 190 musters in a year. As per the Tamil Nadu Industrialisation establishment (Conferment of permanent status to workmen) Act 1981 who-soever continues to be in service for the period of 480 days (surface) in a period of 24 months inclusive of such breaks or absence as may be brought about by sickness or authorised leave or an accident or a strike which is not illegal or a lockout, the workmen is entitled to the benefit of permanent status (In the High Court of Judicature Madras, II.J 1985(II) page 376, 377) The Management is not confirming the badli workers years together. There are badli workers appointed in 1982, 1983 having put in 190 musters in 1982 but not confirmed since 6 years. As per the provisions of I.D. Act 1947 5th Schedule it is clear proof of unfair labour practice. In 5th Schedule in Item No. 10 unfair labour practice, it is stated as under :

"To employ workmen as "badlies" casual or temporary and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen."

From the above 10 items it is crystal clear that the action of the management of Singareni Collieries Company Limited in relations to Mandamarri and Somagundam area mines in deducting the casual leave, house rent allowance and stoppage of free coal supply which was paid to badli workers by virtue of their having once initially put in one year of continuous service is not justified. Hence we demand that all the wages deducted from the wages of worker on this score, in 2 instalments during October and November 1985 should be paid back. After deduction of house rent allowance, and casual leave wages and stoppage of free supply of coal during months of October, 1983 and November, 1985, the management did not pay H.R.A. and casual leave wages and free coal was not supplied to hundreds of badli workers on the plea of not putting in 190 musters (actual) in each year. Hence we demand that all such eligible badli workers who have put in 190 musters once in a period of 12 months should be paid H.R.A. and casual leave wages and the cost of free supply of coal from the date of stopping. We pray that the Hon'ble Tribunal to consider over this sympathetically and award for payment of deducted amount towards house rent allowance, casual leave and cost of free coal stopped from 1-1-1983 and also to pay these benefits to all other badli workers who have once put in 190 musters in 12 calendar months and thus put in one years continuous service with retrospective effect.

3. The brief facts of the counter filed by the Respondent—Management read as follows : With reference to para No. 2 of the claim statement is totally false and the petitioner is put to strict proof of the same. Without prejudice to the rights of the management, it is submitted

that the badli workmen who have worked for 190 days continuously in the mine or who worked on the surface continuously for 240 days in the preceding year are entitled to the normal wage as per the National Coal Wage Agreement which is in force during the relevant period and whatever deductions have to be made statutorily will be made for those employees. If the management has not given any allowance, it has not given to those badli workmen who have not put 190/240 days muster during the relevant period. It is submitted that by mistake, the Management has paid some allowance like H.R.A., Night shift allowance, Special Allowance, Wages paid for casual leave and transport allowance to some of the Badli workmen who have not actually put 190/240 days either in the mine or on the surface. Having noticed the said mistake, the Management communicated to those workmen that from those Badli workmen, to whom the Management has paid the above allowance by mistake, will be deducted from their wages in one instalment. The allegation that the Badlies once put in 190 musters in 12 months but in subsequent years did not put in 190 musters is totally false. After receipt of the strike notice, the entire matter was reviewed by the management and the management with an intention to give concessions and also with an intention to purchase industrial peace and harmony agreed to give paid holiday and sick leave to those badlies who completed 6 months of continuous service though they are on temporary basis. It was also made clear that those badlies who have not put 190/240 musters in the preceding year are not entitled for free coal. So far as H.R.A. and casual leave are concerned, those badlies who worked for 190/120 musters in the preceding year are only entitled for the same and those who have not put in 190/240 musters are not entitled for H.R.A. and Casual leave. The Badlies actual day of attendance is taken as criteria for making payment of transport subsidy and additional transport subsidy, i.e. only for the number of days the Badli put the musters, he is entitled for the transport subsidy and additional transport subsidy. So far as special incentive wage is concerned, it was payable as per the Circular dt. 26th July, 1984 and the facility has been continued as leave with pay and sick with pay musters. Similarly relief was also given for R.R.F., L.T.C. LLTC depending upon the musters put in by them in the preceding calendar year as per the provisions of the Mines Act. Those employees who are not entitled for the allowance as per the clarification given were not paid. The allegation that if a Badli worker puts in 190 musters in a year is deemed to be in continuous service with all other benefits is not correct, because his payment of wages is directly related to the number of musters. To maintain industrial harmony this facility was extended to the Badlies who have put 190/240 musters in the preceding calendar year. It is submitted that it is true that there is a settlement on 26-6-1984. But the entire settlement was not filed and conveniently one paragraph has been referred. The petitioner has construed the provisions of N.C.W.A. I, II and III and it has not spelt out a single word about Badli workmen. It is submitted that the Tamil Nadu Industrialisation Establishment (Conferment of Permanent status to workmen) Act, 1981 is not applicable to Andhra Pradesh nor this Petitioner can claim any relief quoting the said Act. It is submitted that the work of the Badlies is substitute in nature and they are doing the work of permanent employees in the case of exigencies and on temporary basis i.e. leave vacancies, sick leaves etc. To recruit to a permanent post, there should be vacancies available and when there are candidates with requisite qualifications only, the recruitment procedure will be adopted. The petitioners are not entitled for the payment of the deducted amounts from their wages. It may be noticed that the Petitioner without giving the number of workmen who were aggrieved of the Management's action, has taken up the issue and it is practically difficult for the management to identify any particular workman in Somagundam and Mandamarri area who is aggrieved of the management's action. Whatever the Badli workmen are legally entitled to, it has been paid to them and in fact the payments made in Singareni Collieries to those Badli workers are much higher than any other coal industry in the country. This Hon'ble Tribunal may be pleased to reject the claim statement of the petitioner.

4. W.W1 was examined on behalf of the Petitioner-workman and Exs. W1 to W15 were marked. On the

other side, M.W1 and M.W2 were examined on behalf of the Respondent-Management and Exs. M1 to M6 were marked.

5. The point for adjudication is whether the action of the Respondent in relation to their Mandamarri Area in deducting the casual leave wages and house rent allowance which was paid under NCWA-III to the Badli Workers by virtue of their having once initially put in one year of continuous service is justified and whether the action of the Respondent in relation to their Mandamarri Area in not granting casual leave with wages and not paying house rent allowance to the Badli workers who have put in one year continuous qualifying service once and insisting for one year continuous service each time in the preceding year to qualify for the same in the succeeding year is justified?

6. W.W1 is B. Shiva Prasad Raju. He deposed that he is working as Clerk in Goletti No. 2 Incline for the last seven years. He is now working as Organising Secretary of the Union for Pellampalli Branch. He knows about the Memorandum of Settlement dated 25th June, 1984 and it is Ex. W1. As per Clause 3 of the Settlement all the badli workers who have completed 190 or 240 of attendance as the case may be shall be given all facilities and benefits on par with the permanent employees. The Management deducted amounts towards House Rent, Allowance, etc. Night Shift allowance, Special allowance towards incentive in October, 1985. The Union gave a strike notice dt. 12-10-1985 which is Ex. W2. Then Management gave a reply dated 21-10-1985 marked as Ex. W3 stating that the amount was deducted only in Somagundam No. 3 Incline. In the Conciliation meeting held on 15-11-1985 the Management agreed to return the deducted amount. Under Ex. W4 of Clause IV, it is stated that Casual Leave and House Rent Allowance, Badlies who have been extended H.R.A. and Casual Leave on putting 190/240 musters as the case may be, will be entitled for this benefit in the subsequent years only if they put in 190/240 musters in the preceding year otherwise not. Ex. W6 is the Memorandum of Settlement dated 28-9-1978 under Clause IV of Ex. W6 it is stated that paid holiday and sick leave will be extended to those who completed six months continuous service even though continuing on temporary basis w.e.f. 1-9-1978. Ex. W7 is the letter dated 3-10-85 wherein an advice is given to the officers to extend the facilities such as paid Holiday, sick leave, to floating badlies as soon as they complete 6 months service from the date of first empanelment as floating badli irrespective of number of musters put in by them during the six months period. As per N.C.W.A. I, II and III and IV all paid holiday i.e. Earned Leave, Casual Leave, Sick Leave, Paid Holidays and Accident Sick musters are counted for eligibility of arriving at 190 musters in a year. As per Clause 5 of Ex. W8 the badlies who have put in 190 (underground) or 240 (surface) musters as the case may be in the preceding calendar year, will be allowed benefit of casual leave and house rent allowance from 1-1-1981. Ex. W9 is the letter dt. 2-5-1989 addressed to N. Vasudeva Floating Badli worker mentioning the benefits to which he is entitled to as he has put in 190/240 musters in the year 1988. It is stated in Ex. W10 as follows: The management stated that the above two demands were already discussed with all the Unions operating in S. C. Company Limited and the Memo of Settlement has already been signed on 29-1-1981 agreeing to confirmation of all the employees who have put in 3 months continuous service and to grant C.A., H.R.A. and other benefits to employees who have put in 3 months continuous service as on 23-11-1980". As per him if a worker puts in muster of 190/240 in one year and qualify himself for all the facilities it must be continued even afterwards and for example even if he puts in 100/240 less than 190/240 next year, this facility should not be withdrawn. He means that once he qualifies himself for this facility for putting 190/240 he should not be disqualified later on. In new mines, work was carried on for three or four years only with badlies and afterwards only they were made permanent.

7. M.W1 is P. A. V. S. Sharma. He deposed that he has been working in the Respondent in different capacities since 1963 and now he is working as Sr. Personnel Officer in Mandamarri area since 1988. There was a memorandum of settlement dated 28-9-1978 under Section 12(3) of the I.D. Act entered into between the Singareni Collieries Workers Union represented by its Vice President Sri B. Gangaram

and the Management of the Respondent Company represented its General Manager by name Sri M. K. V. Subbaiah, Tandur Coal Mines Labour Union represented by its President Sri S. Nagaiah Reddy is also a party to the said settlement. No issue was raised at the settlement of Ex. M1 with regard to house rent allowance, and casual leave to the Badli workers and so no terms were introduced in respect of house rent allowance and casual leave to the Badli workers in Ex. M1. There is other settlement dated 29-1-1981 under Section 12(3) of the I.D. Act entered into between all major unions including the petitioner Union and the Management of Respondent. Clause 5 in page No. 2 of Ex. M2, it is mentioned that "Badlies who have put in 190 (underground) or 240 (surface) Musters as the case may be in the preceding calendar year will be allowed the benefit of Casual leave and H.R.A. from 1-1-1981". If the Badli workers did not put in 190 (underground) or 240 (surface) days muster in the preceding calendar year they are not entitled for casual leave and H.R.A. in the subsequent calendar year. There is another settlement dated 12-3-1990 under Section 12(3) of I.D. Act entered into between all the major Unions including the petitioner and the management. In Clause 22 in page 6 of Ex. M3, it is stated that "badlies who have put in 190/240 attendance/musters as the case may be in any one year but could not be regularised for want of vacancies will be paid house rent allowance and allowed casual leave with effect from 1st March 1990". As per the settlement in Ex. M3, the badlies are entitled for H.R.A. and casual leave only w.e.f. 1-3-90 if they put in 190/240 days attendance or musters in any calendar year and they are not regularised due to want of vacancies. The settlements in Exs. M1 to M3 got statutory force as the said settlements were entered into in the presence of Dy. Chief Labour Commissioner (Central) New Delhi.

8. M.W.2 is B. Ramachandra Chary. He deposed that on 29-1-1981 a settlement was entered into between the Management of the Respondent and the Unions under Section 12(3) of the I.D. Act with regard to casual leave to the badlies and other matters and Ex. M2 is the copy of the said settlement. Item No. 5 at page 2 of Ex. M2 relates to the badli worker's casual leave. Those badli workers who have put in 190 musters in the case of underground employees and 240 muster in the case of surface employees in the preceding year are eligible for casual leave and H.R.A. Ex. M3 is another settlement dated 12-3-1990 entered into between the management of the Respondent and the Union. Item No. 22 of Ex. M3 pertains to the eligibility of H.R.A. and Casual Leave. As per the terms of Ex. M3 the badli worker who has put in 190 musters in the case of underground employees and 240 days in the case of surface employees in any calendar year is eligible for H.R.A. and casual leave and not in the immediate preceding year as stated in Ex. M2 settlement. The settlement in Ex. M3 and the Circular in Ex. M4 are not applicable to the workers who have put in 190 days in the case of underground workers and 240 days in the case of surface worker in any calendar year during the years 1983 and 1984. One Mr. Shankera Rao was the Pay Sheet clerk during the year 1985 and he detected the mistake committed by the previous pay sheet clerk in granting the casual leaves and payment of H.R.A. to some of the badli workers who did not put in 190/240 musters during the preceding year as per the terms of Ex. M2 settlement and started recovery of the amounts wrongly paid towards H.R.A. due to the recovery of the H.R.A. wrongly paid, the Unions issued strike notice, and consequently the recovery of the wrongly paid H.R.A. was stopped as the dispute was raised by the union and the same is pending.

9. The Petitioner-Union filed the written argument in support of their workmen case. The contention raised by the Petitioner Union that the Management has resorted to illegal deductions of wages in the name of recovery from the wages of badli workers of Somagundam-3 Incline and other Mines, who have already put in one year continuous service i.e. put in 190 musters in 12 months on the wrong plea that they are not putting 190 musters in each year. The condition of putting 190 musters in the preceding year to qualify the above benefits is not imposed on permanent workers and hence there is no justification for imposing these conditions on badlies. Further the contention of the Petitioner-Union that the Management is not confirming the badli workers' years together. Hence they demand that all such eligible badli workers who have put in 190 musters once in a period

of 12 months should paid H.R.A. and casual leave wages and the cost of free supply of coal from the date of stopping.

10. On the other hand the contention of the Respondent-Management that the Badli workmen who have worked for 190 days continuously in the Mine or who worked on the surface continuously for 240 days in the preceding year are entitled to the normal wage as per the N.C.W.A. which is in force during the relevant period and whatever deductions have to be made statutorily will be made for those employees. So far as the H.R.A. and Casual leaves are concerned, those badlies who worked for 190/240 musters in the preceding year are only entitled for the same and those who have not put in 190/240 musters are not entitled for H.R.A. and Casual leave. The allegations that the action of the Management of Singareni Collieries in relation to Mandamati and Somagundam Area Mines in deducting the casual leave, house rent allowance and stoppage of free coal supply which was paid to Badli workers by virtue of their having once initially put in one year of continuous service is not justified is not correct. The Petitioners are not entitled for the payment of the deducted amounts from their wages. Whatever the Badli workmen are legally entitled to, it has been paid to them and in fact, the payments made in Singareni Collieries to those Badli workers are much higher than any other coal industry in the country.

11. The argument of the Petitioner Union that if once a badli worker puts in 190 musters in a year and qualified for one year's continuous service, as per the Section 25-B of the I.D. Act, he is eligible for casual leave, house rent allowance and free coal from the next year, and not in each and every year. The further argument that the condition of putting 190 musters in the preceding year to qualify the benefits is not imposed on permanent workers the badlies also should get the same benefit as that of permanent workers. So the condition of putting 190 musters in the preceding year to get the benefits should not be imposed on badli workers also.

12. The other irregularity is that the Respondent has wrongly interpreted the Industrial Law regarding actual days of work (190 days) for qualifying one year's continuous service. As per the National Coal Wage Agreement I, II, III & IV and Industrial Disputes Act, all paid holidays i.e. earned leave, casual leave, sick leave, paid festival holidays, accident sick musters are counted for eligibility of arriving 190 musters in a year. M.W.1 deposed in his cross examination as follows:

"While calculating the number of days of service in a year of a particular workmen, all the paid holidays are being included as per my knowledge."

From the above facts, it is clear that the Management did not include all the days (for which workmen has been paid wages) for computing 190 days in a year. I am of the opinion that for arriving at 190 musters in 12 months, all the days are taken into account for which the workmen has been paid wages. The next argument is regard to Ex. W4. In Ex. W4 of Clause 4 it has been agreed that paid holidays, wages (8 days in a year) and sick leave (15 days per year) will be extended to those, completed 6 months continuous service who are in temporary basis also w.e.f. 1st September, 1978. This fact is supported by the evidence of M.W2 who deposed in his cross examination as follows:—

"If the badli worker puts in service of 6 months he is eligible for sick leave and paid holidays and this facility is available for every year. If once a badli puts in 6 months service, he is eligible for sick leave in every subsequent year even he does not put in 6 months in every subsequent year and put in even one month service."

In support of Memo of Settlement dated 26th June, 1984 Clause 3 in Ex. W1, M.W.1 has stated in cross examination as follows:

"It is true the worker trainees that were appointed prior to Ex. M2 (settlement dated 29th January, 1981, were not having the facilities that are given to the badli workers in Ex. M2 settlement dated 29th

January, 1981. It is true there was a settlement dated 26th June, 1984 entered into between the petitioner Union and the management of the Respondent Company as per exhibit W1. As per Clause 3 of Ex. W1 it is agreed upon that all the badli workers who have completed 190/240 days of attendance as the case may be as per the provisions of the I.D. Act, shall be given all the facilities and benefits as per the provisions of the I.D. Act, as well as N.C.W.A. III like transport subsidy, additional transport subsidy, special transport, LTC and LLIC etc., which are presently being given to other permanent workmen as and when they are qualifying and become eligible."

From the above, it is clear that the badlies who completes 190 musters, shall be given all facilities and benefits which are presently being given to other permanent workers. Hence I find that there cannot be and should not be any doubt that badlies should put in 190 musters in each and every year.

13. On a consideration of the evidence, facts and circumstances of the case, I am of the clear view that the demand of all such eligible badli workers who have put in 190 musters once in a period of 12 months should be paid H.R.A., Casual Leave Wages and the cost of free supply of coal from the date of stoppage, i.e. 1st January, 1983 and also to pay these benefits to all other badli workers who have once put in 190 musters in 12 calendar months and thus put in one year's continuous service with retrospective effect.

14. In the result, (1) the action of the Management of Singareni Collieries Company Limited in relation to their Mandamarri Area in deducting the casual leave wages and House Rent Allowance which was paid under N.C.W.A. III to the Badli Workers by virtue of their having once initially put in one year of continuous service is not justified. (2) The action of the Management of Singareni Collieries Company Limited in relation to their Mandamarri Area in not granting Casual leave with wages and not paying house rent allowance to the Badli workers who have put in one year of continuous qualifying service once and insisting for one year continuous service each time in the preceding year to qualify for the same in the succeeding year is not justified. The Badli workers are entitled for payment of deducted amount towards House Rent Allowance, Casual Leave and cost of free coal stopped from 1st January, 1983.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 1st September, 1993.

Y. VENKATACHALAM, Industrial Tribunal

Appendix of Evidence

Witnesses Examined for Workmen:

W.W1—B. Shivaprasad Raju.

Witnesses Examined for Management:

M.W.1—P. A. V. S. Sharma.

M.W.2—B. Ramachandra Chari.

Documents marked for the Workmen:

Ex. W1/26-6-84—Copy of the Memorandum of Settlement arrived at U/s. 12(3) of the I.D. Act, 1947 between the Management of Singareni Collieries Company Limited and their workmen represented by Singareni Collieries Workers' Union over a charter of 53 demands, during the conciliation proceedings held on 26-6-84 at Hyderabad.

Ex. W2/12-10-85—Copy of the Strike Notice dated 12th October, 1985 issued by the Chief Vice President, S. C. Workers' Union to the Chairman and Managing Director, S. C. Co. Ltd., Kothagudem Collieries.

Ex. W3/21-10-85—Copy of the reply dated 21st October, 1985 given by the General Manager S. C. Co. Ltd., Mandamarri to the Strike Notice given by the workmen.

Ex. W4/15-11-85—Copy of the Minutes of meeting held on 15th November, 1985 at Mandamarri in the I.D. between the Management of S. C. Co. Ltd., and their workmen representative by S.C.W.U. (AITUC) Bellampalli, regarding Strike Notice over a charter of 3 demands, threat of strike on or after 26th October, 1985 by all workmen of Somagundam Incline.

Ex. W5/15-11-85—Copy of the failure of conciliation report dated 15th November, 1985.

Ex. W6/28-9-78—Copy of the Memorandum of Settlement arrived at under Section 12(3) of the I.D. Act, 1947 on 28th September, 1978 at Kothagudem in the Industrial Dispute between the Management of S. C. Co. Ltd., and their workmen represented by (1) Singareni Collieries Workers' Union and (2) Tandur Coal Mines Labour Union over a charter of demands.

Ex. W7/3-10-87—Photostat copy of the letter dated 3rd October, 1987 addressed by General Manager, S. C. Co. Ltd., Mandamarri Division to the Dy. C.M.E. SMG 1 Group with regard to eligibility for sick leave and PRD allowance to floating Badli fillers.

Ex. W8/29-1-81—Copy of the Memorandum of Settlement arrived at U/s. 12(3) of the I.D. Act, 1947 between the Management of S. C. Co. Ltd., and their workmen represented by (1) Singareni Collieries Workers' Union (2) Tandur Coal Mines Labour Union (3) Singareni Collieries Employees Union and (4) A. P. Colliery Mazdoor Sangh on 29th January, 1981 at Hyderabad.

Ex. W9/2-5-89—Photostat copy of the letter dated 2nd May, 1989 addressed by SOM/C. MGR. MVK-3 Incline S. C. Co. Ltd., Bellampalli (Project) Area to N. Vasudeva with regard to benefits of leave with pay and other allowances.

Ex. W10/1-1-79—Copy of the Minutes of the Conciliation proceedings held on 19th June, 1981 in the I.D. between S. C. Co. Ltd., and their workmen represented by S. C. Co. Union, Bellampalli regarding strike notice for regularisation of workmen, who have put in 3 months continuous service and grant of casual leave, House Rent Allowance and other benefits to the employee who have put in 3 months continuous service as on 1st January, 1979.

Ex. W11/30-4-81—Photostat copy of the order dated 30th April, 1981 of the Dy. Chief F&A, S. C. Co. Ltd., Bellampalli with regard to appointment of General Mazdoors in Accounts and Internal Audit Department to work as peons.

Ex. W12/26-10-85—Photostat copy of the note of CA (Audit) BPA dated 26th October, 1985 S. C. Co. Ltd., Bellampalli with regard to appointment of General Mazdoors in Internal Audit Departments to work as peons.

Ex. W13/14-12-87—Photostat copy of the order dated 14th December, 1987 issued to Sagi Raghava Rao and 3 others by the General Manager, S. C. Co. Ltd., Mandamarri appointing them as coal fillers.

Ex. W14/15-1-78—Photostat copy of the order dated 15th January, 1978 issued to M. Narendra and 22 others by the Divisional Supdt., S. C. Co. Ltd., Bellampalli appointing them as pump khalasis.

Ex. W15/2-12-81—Photostat copy of the Office Order dated 2nd December, 1981 issued to B. Prabhakar and 17 others by Additional G. M. Bellampalli S. C. Co. Ltd., appointing them as temporary General Mazdoors.

Documents marked for the Management:

Ex. M1/28-9-78—Photostat copy of the Memorandum of Settlement arrived between the Manager of S.C. Co. Ltd., and their workmen represented by (1) S. C. Workers Union, and (2) Tandur Coal Mines Labour Union, over a charter of demands.

Ex. M2/29-1-81—Photostat copy of the Memorandum of Settlement arrived between the Management of S. C. Co. Ltd., and their workmen represented by (1) S. C. Workers Union, (2) Tandur Coal Mines Labour Union, (3) S. C. Employees Union, and (4) A.P. Colliery Mazdoor Sangh on 29th January, 1981 at Hyderabad.

Ex. M3/12-3-90—Photostat copy of the Memorandum of Settlement arrived between the Management of S. C. Co. Ltd., and their workmen represented by (1) S. C. Workers' Union (AJTUC) (2) Singareni Coal Mines Labour (INTUC), (3) Singareni Collieries Employees Union (CITU), (4) Singareni Mines and Engineering Workers Union (BMS), (5) Singareni Coal Mines Karmika Sangh (BMS) over a charter of demands coupled with strike notice dated 14th October, 1989, 15th December, 1989, 21st December, 1989, 14th November, 1989 and 6th January, 1990 respectively.

Ex. M4/27-3-90—True copy of the Circular issued by the Director (P.A. & W) S. C. Co. Ltd., to All GMs, All Chiefs with regard to implementation of Item No. 22 of the terms of Memorandum of settlement dated 12th March, 1990.

Ex. M5—Form-H Register for the year 1984 Book No. 1 in respect of Badli Workmen of Somagundam-3 Incline Mine.

Ex. M6—Form-H Register for the year 1984 Book No. 2 in respect of Badli Workmen of Somagundam-3 Incline Mine.

नई दिल्ली, 23 सितम्बर, 1993

का. आ. 2177 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल के प्रवर्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 21-9-93 को प्राप्त हुआ था।

[संख्या एल—22012/389/90 आई आर (सी-II)]

राजा लाल, डीस्क अधिकारी

New Delhi, the 23rd September, 1993

S.O. 2177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 21-9-93.

[No. L-22012/389/90-IR C-II]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated, 2nd day of September, 1993

Industrial Dispute No. 18 of 1991

BETWEEN

Sri B. Janak Prasad, General Secretary, Central Council, Singareni Collieries Clerical Association, P.O. Kal-yankhani, Dist. Adilabad....Petitioner.

AND

The General Manager, M/s. Singareni Collieries Co. Ltd., P.O. Bellampalli, Dist. Adilabad...Respondent

APPEARANCES :

M/s. G. Bikshapathi, G. Vidyasagar, V. Vishwanatham and N. Vinesh Raj, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/389/90-IR (C-II) dated 12-6-1991 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of M/s. Singareni Collieries Company Limited, Bellampalli and their workmen to this Tribunal for adjudication :

"Whether the action of M/s. S.C. Co. Ltd., Bellampalli in dismissing Sri A. Vishweswara Rao, Ex-Clerk, Mahaveer Khani No. 5 Incline is legal and justified. If not, to what relief the worker is entitled to?"

This reference is registered as Industrial Dispute No. 18 of 1991 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows :

It is respectfully submitted that Sri A. Vishweswara Rao, hereinafter referred to as "Workman" is a member of the Petitioner Trade Union and his case was espoused by the Union. The workman was appointed as a Clerk-Grade-II in the year 1978 in Singareni Collieries Company Limited and he was posted at MVK 5 Incline. He was confirmed in the said post in 1979. The duties of the workman in No. 5 Incline are to prepare the pay sheets and make disbursements with the assistance of another clerk. He prepared the daily rated pay sheets for the month of June, 1982 for No. 5 Incline. There are about 550 workmen in No. 5 Incline and their pay sheets are to be prepared by the workmen only. Three General Mazdoors by name Sadiq Hussain, Ravalli Laxman and Jarripothula Narasiah are promoted to the post of Coal Cutter by orders dt. 29-5-1982. Their pay sheets have to be prepared in the cadre of Coal Cutters. However, while preparing the pay sheets of the three persons, the pay sheets of the 2 persons were clearly carried and in respect of Jarripothula Narasiah, two pay sheets were prepared, one in the category of General Mazdoor and another in the category of Coal Cutter. This is purely by over-sight and without any mala fide intention. The amount was paid to the said Coal Cutter. In the morning, the wages were paid as Coal Cutter and in the evening wages were received by him as General Mazdoor. As Coal Cutter, he was paid Rs. 611.96 ps. and again as General Mazdoor he was paid Rs. 720.91 ps. The said Coal Cutter, though received the wages twice, did not report the matter to the authorities. The workman was under the bonafide impression that the payment was made as usual and there was no irregularity. As it is, the original clerk who was preparing the pay sheets, viz., Sri A. Naga Satyanarayana was on 3 months leave from June to August, 1982 and the workman had to undertake this work on his behalf. Therefore, a slight omission was caused in preparing the pay sheets. It is only when audit took place, the Audit Officials observed that two payments were made to one worker for the month of June 1982. This irregularity was ignited by the management as if the workman had misappropriated the funds. The workman was issued with a charge sheet on 27-8-1983, alleging misappropriation of the Company's funds under Standing Order No. 16(2), stating that Jerripothula Narasiah was paid the amount twice. The workman submitted detailed explanation on 31-3-1983. Thereafter the management in Memo dated 16-9-1983, adding one more clause in the Standing Order to the effect that the workman was negligent in discharging his duties and that it is a misconduct under Clause 16(6) of

the Standing Orders of the Company. To this also the workman replied on 18-9-1983. In this regard, it is submitted that it is only when the audit of accounts was made, then the fact of double payment came to light. Immediately after the charge sheet issued to the workman, he met and made enquiries with Sri Jerripothula Narsiah, who had categorically accepted that he received the two payments on 7-7-1982 and that he could not make any representation to the authorities on the date of receipt of wages on the ground that the management must have paid an extra amount on account of his promotion as Coal Cutter. However, the said amount was paid to the credit of the Singareni Collieries and a receipt was also issued by the Accounts Officer on 2-11-1983. Later a regular domestic enquiry was held against the workman. However, the workman received the order of dismissal dt. 2-1-1985 which was issued by the General Manager, Bellampalli. Aggrieved by the order of dismissal the workman filed an appeal to the Chairman and Managing Director of the Company, which was also rejected in a mechanical manner on 10-12-1984. The charges as alleged under Rule 16(6) and 16(2) are absolutely irrelevant and wholly unconnected to the alleged irregularity. There is no question of misappropriation or negligence in performance of duties. The persons who received the amount twice has already refunded the amount and the over-payment was came to light only when the audit was conducted. In fact the beneficiary should have been charge sheeted rather than the person who paid the amount in a bonafide manner. In the enquiry, the beneficiary workman has categorically stated that he received the amounts twice. In the cross-examination, he had clearly stated that he has not reported the matter to the authorities, as he was under the impression that the arrears of promotion were paid to him. Even the Pit Office Assistant has categorically stated that there was no preparation of pay sheets except for June 1982 pay sheets wherein amount was claimed twice in respect of one workman. In any event, on account of oversight the workman had prepared the wage bills in respect of Sri Jerripothula Narsiah twice and the same was also recovered from him when the audit was made an observation; Therefore, the misconduct is very minor in nature and the punishment of dismissal from service is shockingly disproportionate to the gravity of misconduct. It is prayed that the Hon'ble Court may be pleased to declare the order of dismissal dated 2-1-1984 passed by the General Manager, Bellampalli as illegal, invalid and unjust and consequently direct the Respondent to reinstate the workman into service with full back wages and other attendant benefits.

3. The brief facts of the counter filed by the Respondent read as follows:—The workman in dispute Sri A. Vishweswara Rao was appointed as Clerk Grade-II on 30-8-1978 and posted at MVK-5 Incline in Bellampalli Area. It is also true that he was confirmed in the post of the year 1979. It is submitted that the workman in dispute was working as Clerk at MVK-5 Incline, he was preparing Pay-sheets and making disbursement of salaries/wages to the workmen in the mine. In normal course of discharging of his duties, Sri Vishweswara Rao had to prepare pay-sheets for daily rated workers and in the month of June, 1982 Sri A. Vishweswara Rao booked double wages/salary to Sri Jerripothula Narsiah, workman. It may be noticed that in the official records Sri Jerripothula Narasiah's name was figured at two places (i.e.) in the allocation of coal cutters' and without cancelling his name in the General Mazdoors'. Allocation which was in Andhra Pradesh, and it may be noticed that the wages of Sri Jerripothula Narsiah in the Category of Coal Cutters' was paid by Sri A. Vishweswara Rao and the wages in the name of Sri Jerripothula Narsiah at General Mazdoors' Allocation was misappropriated by him. It may be noticed that the Internal Audit Department in their random check found that Sri Jerripothula Narsiah was paid double wages for one as Coal Cutter and the other as General Mazdoor. As such, the allegation that Sri Sadiq-Hussain, Sri Ravalli Laxman and Sri Jerripothula Narsiah were promoted to the post of Coal Cutters, the pay sheets of two persons were carried out properly and in respect of Sri Jerripothula Narsiah, two pay sheets were prepared purely because of over-sight and without any mala fide intention is not correct. The allegation that the coalcutter though he received the wages twice did not report the matter to the authorities and that the workman was under the bonafide impression on that payment was made as usual and

there was no irregularity, is totally false. It may be noticed that it is the Clerk's duty to prepare the pay sheets and disburse the wages and to take thumb impressions in the Pay-sheets and see whether he is paying to the correct person and the correct amount and the calculation made to their relevant category before disbursement. Infact, having made double entries and misappropriated the amounts, Sri Vishweswara Rao has chosen to take it as a defence and now wants to show as if there was no irregularity, but it had been done by mere over-sight, which is not correct and the petitioner is put to strict proof of the same. Even assuming that Sri A. Naga Satyanarayana was on leave and he had to work, there cannot be any omission or doing mistake by over-sight because MVK-5 Incline is not a big mine and its man-power is very less and the Pay sheet Clerks are aware to whom they are disbursing the salaries. That cannot be a ground to get over the charge. It is true that the workman in dispute was issued a charge sheet on 27-8-1983 alleging that he misappropriated the funds, which is a misconduct under Clause 15(2) of the Company's Standing Orders and called upon Sri Vishweswara Rao to give his explanation. He submitted explanation on 31-8-1983 along with annexure. It is respectfully submitted that after Sri Vishweswara Rao submitted his explanation to the charge-sheet, Management was having not satisfied with his explanation appointed Sri B. Gangi Reddy as Enquiry Officer to conduct the domestic enquiry and the same was conducted by him. It may be noticed that the Enquiry Officer forwarded his findings on 31-10-83 along with the enquiry proceedings to the management and the General Manager, Bellampalli having gone through the proceedings and the entire enquiry file, accepted his mind, gone through the past record and then passed the order of dismissal dt. 2-1-1984. The allegation that the dismissal order was passed on 2-1-1985 is not correct. It is true that the Union made a representation to reconsider his case for reinstatement into service. It may be noticed that by refusing the amount through the workmen alleged to have received the amount, will not exonerate Sri A. Vishweswara Rao as it is an admitted fact that double-payments had been made by him. The allegation that the workman in dispute had no intention to misappropriate the funds, is not correct. The contention that the beneficiary workman has categorically stated that he received the amounts twice and that in the cross examination he had clearly stated that he had not reported the matter to the authorities and that even the Pit Office Assistant had also stated that there was no preparation of pay-sheets, except for June 1982 pay sheet wherein amount was claimed twice for one workman. There are on merits in the petitioner's case, nor is he entitled for relief of declaration that the order of dismissal passed by the management is illegal and the employee is entitled for back wages or continuity of service as alleged and the claims petition is liable to be dismissed with costs.

4. M.W1 was examined on behalf of the Respondent-Management and marked Exs. M1 to M9. No oral or documents evidence has been adduced on behalf of the Petitioner Union.

5. The point for adjudication is whether the action of the Respondent in dismissing Sri A. Vishweswara Rao Ex. Clerk Mahaveer Khanu No. 5 Incline is legal and justified?

6. M.W1 is M. Gangi Reddy. He deposed that he knows the facts of this case. He was appointed as Enquiry Officer in Bellampalli Division I for conducting the domestic enquiries against the workmen who committed misconducts in that area, under office order dt. 1-8-1983. Ex. M3 is the charge sheet issued to Sri A. Vishweswara Rao by the Dy. Chief Mining Engineer, M.V.K. 5 Incline. Ex M4 is the explanation dt 31-8-1983 submitted by the workman to the charge sheet in Ex. M2. The concerned workman Vishweswara Rao was issued another charge sheet pertaining to the same transaction of making double payment to the same workman. and the office copy of the said charge sheet is Ex. M5. Ex. M6 is the explanation submitted by the workman to Ex. M5 charge sheet. On 25-9-1983 the workman attended the enquiry. The workman conducted the defence in the domestic enquiry for himself. Only one witness was examined on behalf of the Management during the domestic enquiry. The workman A. Vishweswara Rao cross-examined him. On 27-9-1983 the workman attended the enquiry. On 27-9-1983 the workman examined himself as one

witness and examined another witness on his behalf. These two witnesses examined on behalf of the workman were cross-examined by the Presenting Officer of the Management, who was examined as a witness on behalf of the Management in the domestic enquiry. The D.E. was closed. Ex M8 is the domestic enquiry proceedings. He prepared the enquiry report dt. 31-10-1983 and submitted the same to Dy. Chief Mining Engineer M.V.K. 5 Incline and the said report is Ex. M9.

7. At the very outset, a perusal of Ex M4 the explanation given by the concerned workman Sri A. Visweswara Rao. It stated that he has prepared the Daily Rated pay sheet for the month of June 1982 which was paid on 7-7-1982. Three General Mazdoors were promoted as Coal Cutters in the month of June 1982, that due to over-sight he has deleted only 2 names from General Mazdoors allocation instead of 3 General Mazdoors, that consequently Sri Jerripothula Narasiah's name was entered in two different allocations i.e. in General Mazdoors allocation and Coal Cutter allocation and payment was made accordingly, that Mr. Jerripothula Narasiah has remembered that he has taken double payment, thinking that he was having two payments in different allocations as he was promoted in the same month that now Mr. Jerripothula Narasiah has agreed to return the amount to the Management which was paid as General Mazdoor allocation, that he has not misappropriated the wages of any Company property. It is pertinent to note that during the month of June, 1982 three persons were promoted from General Mazdoors to Coal Cutters, by oversight the workman Vishweswara Rao has deleted only two persons from the General Mazdoors pay sheets and forgot to remove the name of Jerripothula from the General Mazdoor Allocation and payment was made to Jerripothula with two payments. The contention of the Petitioner counsel that due to oversight and pressure of work, this mistake has arisen. It is not intentional or to misappropriate the funds of the company. The person who has taken double payment Sri Jerripothula Narasiah is examined in the domestic enquiry held on 27-9-1983. He gave statement as follows :

"I have been working in the Company in various capacities for the last 8 years. I was first appointed as Badli worker in 68 Dip Mine in the year 1976 and later on transferred to various Mines like Boipalli Incline, M.V.K. 5 Incline and M.V.K. 2 Incline. At present I am working as Coal Cutter at MVK 2 Incline. Prior to this I worked at M.V.K. 5 Incline for about 3 years. While I was working at M.V.K. 5 Incline, I was promoted as Coal Cutter, Cat. V w.e.f. 1-6-1982 from the category of General Mazdoor. Cat. I. After 3 or 4 months, I was transferred to MVK 2 Incline. Recently about 25 days ago, Sri A. Visweswara Rao Clerk MVK 5 Incline met me and informed that in the checking of pay sheets by Internal Audit Department, it was found that I was paid double wages by him during the month of July, 1982, when wages for the month of June 1982 were paid. He also told me that the alleged double payments pertained to the month of June, 1982 in which month I was promoted as Coal Cutter Category V. He asked me whether I remembered to having received double wages. Then I recollected and told him that on 7-7-1982 when wages for the month of June 1982 were disbursed, I received more wages than that which I usually received. I also told him that I remembered to having affixed 2 L.Ts in the paysheet. I told him that I received wages to the extent of about Rs. 1,200.00 to Rs. 1,300. I thought that I was eligible for payment of that much wages in view of my promotion to Cat. V in the month of June 1982 and also due to some arrears, if any, to which I might have been entitled. I am an illiterate and hence could not know the reason for double payment. Sri Visweswara Rao told me that he was issued with a charge sheet for making double payment to me. I then thought that it was injustice to punish the writer, who had made double payment to me by oversight. Since it is a fact that I received double payment, I thought that it is obligatory on my part to inform the higher authorities about the same. I would not have known about this double payment to me but for the information given by Sri A. Visweswara Rao, till then I was under the impression that I was paid wages twice on 7-7-1982 because I might have been entitled for the same by way of arrears or adjustment in view of my pro-

motion as coal cutter, Cat. V. w.e.f. 1-6-1982. Hence I got an undertaking written on my behalf addressed to Dy. C.M.E. MVK 5 Incline admitting that I received double wages and gave the same to Sri Visweswara Rao to enable him to furnish to higher authorities as a proof that he did not misappropriate the money but paid the same to me by oversight. Later on one day, I met Dy. CME and P.O.A. of M.V.K. 5 Incline and informed them of what has taken place in the manner. I have just told before. Since I was paid wages twice to which I was not entitled, I hereby accept to repay the excess amount paid. Since it is said that Rs. 720.91 was paid as excess amount to me under the General Mazdoors allocation, I am willing to pay back the same to the Company. I hereby confirm that the Thumb impressions affixed against my name in both the places are mine. I do not wish to add anything more to my statement." A reading of the above statement of the workman Sri Jerripothula Narasiah it is clear that the concerned workman A. Visweswara Rao has not misappropriated the Company's fund but by oversight it has wrongly been paid. The excess amount that was paid to Jerripothula Narasiah was paid back to the Respondent-Company. It has categorically stated by Sri Jerripothula Narasiah that he has received payment twice and has already refunded the amount and that the over-payment has come to light only when the audit was conducted. Hence I find that there is no mala fide intention on the part of the concerned workman to misappropriate the Company's fund in as much as the beneficiary has categorically confessed that he received the amount twice on 7-7-1982. On a consideration of the evidence, facts and circumstances of the case. I am clearly of the view that the concerned workman has not committed any offence of misappropriation of funds intentionally and that the excess amount has been refunded to the Respondent-Company.

8. In the result, the action of M/s. Singareni Collieries Company Limited, Bellampalli, in dismissing Sri A. Visweswara Rao Ex-Clerk, Mahaveer Khani No. 5 Incline is illegal and not justified. The concerned workman is entitled to be reinstated into service with full back wages and all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 2nd day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal

Appendix of Evidence

Witnesses Examined on behalf of the Respondent-Management :
Witnesses Examined on behalf of the Petitioner-Workmen :
NIL

M.W1 Sri M. Gangi Reddy.

Documents marked for the Respondent-Management :

- Ex. M1/21-7-83.—Xerox copy of the office order issued by the Executive Director, Bellampalli with regard to redistribution of Divisions in Bellampalli Area.
- Ex. M2/1-8-83.—Copy of the Office Order issued by the Executive Director, Bellampalli with regard to Sri M. Gangi Reddy P.O. (Enq.) and others.
- Ex. M3/27-8-83.—Copy of the Charge Sheet issued by the Dy. C.M.E., MVK-5 Incline to Sri A. Visweswara Rao, Paysheet Clerk.
- Ex. M4/31-8-83.—Explanation submitted by A. Visweswara Rao, Clerk-Gr. II, MVK-5 Incline to the Dy. CME, MVK-5 Incline.
- Ex. M5/16-9-83.—Copy of the Corrigendum to the charge sheet issued by dy. C.M.E., MVK-5 Incline to Sri A. Visweswara Rao Clerk Gr. II, MVK-5 Incline.
- Ex. M6/18-9-83.—Explanation submitted by A. Visweswara Rao, Clerk Gr. II, MVK-5 Incline to the

Dy. C.M.E., MVK-5 Incline with regard to Ex. M5 corrigendum.

Ex. M7/23-9-83.—Copy of the Enquiry Notice issued by Dy. CME, MVK-5 Incline to Sri A. Visweswara Rao.

Ex. M8/25-9-83.—Enquiry Proceedings.

Ex. M9/31-10-83.—Enquiry Report.

नई दिल्ली, 23 सितम्बर, 1993

का. भा. 2178 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सो एल के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-93 को प्राप्त हुआ था।

[संख्या एल-22012/177/89-आई आर (सो-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd September, 1993

S.O. 2178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 21-9-93.

[No. L-22012/177/89-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Present :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, the 4th September, 1993

INDUSTRIAL DISPUTE NO. 15 OF 1990

BETWEEN

The Workmen of S.C. Co. Ltd., Coal Chemical Complex, Adilabad, A.P. .. Petitioner.

AND

The Management of M/s. S.C. Co. Ltd., Coal Chemical Complex, Adilabad Dist., A.P. .. Respondent.

Appearances :—

M/s. G. Bikshapathi, G. Vidyasagar, V. Vishwanathan and N. Vinesh Raj, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy, & G. Sudha, Advocate for the Respondent.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012(177)/89-IR (C. II) dt. 29/30-11-1989 referred the following dispute under Section 10(1)(a) (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of M/s. S. C. Company Limited, Coal Chemical Complex and their workmen to this Tribunal for adjudication :

in declaring lockout from 29-4-1989 to 10-5-1989 and depriving more than 350 employees of their wages is justified ? If not, to what relief the workmen are entitled ?”

This reference was registered as Industrial Dispute No. 15 of 1990 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows :—The petitioner is a Trade Union having been registered under the provisions of the Trade Union Act. It is affiliated to B.M.S. The workmen employed in the Coal Chemical Complex are the members of the Petitioner-Union. The present dispute has been espoused by the Petitioner Union. The Coal Chemical Complex is a factory engaged in manufacture of coke and other ancillary products. There are about 615 workmen employed in the factory. The Respondent-Management exhibited a notice dt. 29-4-1989 declaring the lockout of all workmen of Coal Chemical Complex except essential staff with effect from first shift of 29-4-1989. The reasons assigned for declaring the lockout are that the workmen of R.K. 5 Incline went on sudden illegal strike from 1st shift of 29-4-1989 without prior notice and that the Coal Chemical Complex apprehends breach of peace and damage to company property and installations. The Respondent-Management declared the lockout with effect from 1st shift of 29-4-1989 and lifted the lockout w.e.f. 2nd shift of 10-5-1989. The lockout declared is prima facie is illegal. The workmen of Coal Complex did not go on strike much less illegal strike and there was no dispute at the relevant time between the petitioner Union and the Respondent with regard to any service conditions of the workmen employed in C.C.C. Admittedly there was no strike in the Coal Chemical Complex and the question of declaring lockout does not arise. The said lockout is completely illegal and hit by Sec. 24 of the I. D. Act. As the substantial number of workmen are deprived of their wages on account of illegal lockout declared by C.C.C. the matter was raised before the Management for payment of full wages to the workmen affected by the illegal lockout. The lockout notice is illegal and contrary to Section 22, 23 and 24 of the I.D. Act and the Rules framed thereunder. The reasons assigned in the notice are not only incorrect but wholly irrelevant for declaring the lockout. It is stated that the strike commenced by the workmen of RK-5 Incline is understood to be legal and valid as they have issued notice as required under the I.D. Act. No lockout was declared in the Mines when the workers are alleged to have gone on illegal strike. It is submitted that the workmen have gone on strike in RK-5 Incline. The Management has issued Circular No. 50/16/120 dt. 5-5-1989 directing the workmen to join the duties. The President of the Union has also made a representation to the Project Manager on 8-5-1989 in this regard. That the strike in RK-5 Incline is in no way connected to the Coal Chemical Complex. The raw material is not procured from the RK-5 Incline by product and also not linked with the above Mine. Hence, declaring the lockout of the alleged ground of strike in RK-5 Incline is arbitrary and unjust. That that the Coal Chemical Complex Union is affiliated to B.M.S. and the workmen of the Petitioner Union did not go on illegal strike at any time in contravention of the Section 22 of the I. D. Act. The Management has declared illegal lockout although the workmen are attending to the duties from the period when there was an alleged strike in the mines of the company. It is submitted that there is no apprehension of breach of peace in the coal chemical complex as already submitted that RK-5 Incline is far away from the Plant and out of 530 employees, 230 employees have been engaged during the period of lockout and there is no untowards incident at any time. The action of the Management in declaring lockout from 29-4-1989 to 10-5-1989 is illegal, and consequently pass an award directing the Respondent to pay full wages to all the concerned workmen for the period from 29-4-1989 to 10-5-89 who are affected by the illegal lockout.

3. The brief facts of the counter filed by the Respondent read as follows :—It is true that the Respondent declared lockout and exhibited the notice on 29-4-1989 w.e.f. 1st shift of 29-4-1989 in view of apprehending breach of peace and damage to the Company property and installations as all the workmen at RK-V and other departments went on alleged strike. It may be noticed the Singareni Collieries Company Limited was declared as a Public Utility Services well as declared under Essential Services Maintenance Act and the Unions have no right to do any strike without notice

“Whether the action of the Management of M/s. S. C. Co. Ltd., Project Manager, Coal Chemical Complex
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and the Unions have chosen to go on illegal strike. Consequently respondent was constrained to declare lockout. It is not necessary to issue prior notice to the Coal Chemical Complex Union with regard to apprehending breach of peace and damage to the Company property and installations. The allegation that lockout declared is *prima facie* illegal and contrary to the provisions of the I. D. Act is not correct. When the Mines are not functioning and affected with strike and when there is no coal production the question of Coal Chemical Complex functioning does not arise. One cannot isolate respondent complex from the mines and say that there was no strike at Coal Chemicals Complex, as such lockout is illegal. One cannot also make the allegation that there was no strike at Coal Chemicals Complex, as such Lockout is illegal. The Management after going into all the aspects of the situation of the illegal strike only it had declared lockout but it is not a case that to deprive some of the workmen it had declared the lockout. Petitioner Union by misconstruing Sections 21, and 22 of the I. D. Act made the allegation that declaring lockout is illegal action by virtue of which workmen were deprived off livelihood is not correct. Because of the illegal strike of the workmen only lockout was declared. It is true that the Petitioner Union raised a demand to pay full wages to the workmen during the lockout period and management clearly explained its stand that Respondent is a part of the mine. They cannot make a demand for the wages. The workmen of Ramakrishnapur-V Incline Mine and other departments went on strike. They raised the dispute and conciliation was pending the Regional Labour Commissioner was still held in meeting with the Unions and management with regard to the dispute raised by the workmen on various unions. When matters were pending thus, without giving notice the workmen resorted to illegal strike. Petitioner Union people have also gone on strike in RK-IV Incline mine and other departments. It may be further notified RK-V Incline workmen struck work illegally with effect from 3-4-1989 in contravention of Sec. 22 of the I. D. Act and consequently coal production was stopped and there was no production of coal to supply to Coal Chemicals Complex which is part of RK-V Incline Mine and for the purpose of maintenance of peace and security the RK-V Incline Colliery Manager declared lockout for C.C.C. from 29-4-1989. The allegation that the workmen of R.K. V Incline went on strike is not relevant to declare lockout at C.C.C. is not correct. In view of the above the petitioner is not entitled to the relief as prayed much less for declaration that the lockout notice issued by the management dt. 29-4-1989 is illegal and unjustified and also full wages on the ground of illegal lockout.

4. W.W1 was examined on behalf of the Petitioner-Union and marked Exs. W1 to W6. On the other hand M. W1 and M. M2 were examined on behalf of the Respondent-Management and marked Exs. M1 to M17.

5. The point for adjudication is whether the action of the Respondent in declaring lockout from 29-4-1989 to 10-5-1989 and depriving more than 350 employees of their wages is justified?

6. W.W1 is P. Raja Reddy. He deposed that he is the President of the Petitioner Union since 1984. Most of the employees involved in this reference are the members of the Petitioner Coal Chemical Complex is a sister concern of Singareni Collieries Company Limited. C.C.C. has no concern with the S.C. Mines. If any disputes arise in C.C.C. they will be settled by the Project Manager of C.C.C. No strike took place in 1989 in C.C.C. In April, 1989 strike took place in Srirampur and R.K.P. group of Mines. At that time the workers in C.C.C. did not go on strike, and they worked during the period of strike in Srirampur and R.K.P. group of mines. No sabotage to the property of C.C.C. by any outsiders was done during that period. The B.M.S. did not give any strike notice and did not go on strike. The Management did not declare any lockout in the mines where strike was commenced. The Management of S.C. Company Limited declared lockout in the C.C.C. under Notice dt. 29-4-1989. Their Union submitted a representation dt. 8-5-1989 to the Management of C.C.C. i.e. the Respondent requesting to lift the lockout. The lockout was lifted by the Management w.e.f. 2nd shift of 10-5-1989. They demanded the management to pay them the wages for the period of lockout to the persons affected by the lockout. Previously a lockout was declared by the

Respondent in August 1987 as against that their Union filed a W.P. No. 10488 of 1987 on the file of the High Court of A.P. and the same was allowed, declaring the lock as illegal and directing the management to pay the wages to the workers for the lockout period. In the lockout declared by the Management in April, 1989 about 350 workers were affected. The remaining workers were taken on duty by the Management during the lock out period. The 350 workmen in this I.D. were willing and ready to attend the duty during the lockout period but they could not attend the duty during the lockout declared against them by the Management. The Management of the Respondent Complex did not follow the procedure as laid down in the I.D. Act before declaring the lockout. The grade of Project Manager of C.C.C. is E-8. The grade of Colliery Managers is B-4. The Colliery Manager who issued the lockout notice in Ex. W1 is lower in rank than that of the Project Manager. The reason assigned in Ex. W1 for declaring the lockout of the C.C.C. is not correct. He prays the Court to declare that the lockout notice dt. 29-4-89 issued by the Management as illegal and unjust and to pass an award directing the Respondent to pay full wages to all the concerned workmen for the period from 29-4-1989 to 10-5-1989.

7. M. W1 is A. Raja Mallu. He deposed that he has been working as Dy. Chief Engineer in respondent at Bellampally, since 20-6-1991. Previously he worked as Dy. Chief Engineer at Coal Chemical Complex from 1-1-1978 to 19-6-1991. He knows the facts of this case. Coal Chemical Complex was locked out from 29-4-89 to 10-5-1989 upto first shift. The reason for lockout due to illegal strike of the workmen at the instance of the Naxalites. If the Mines of Ramakrishnapur Area do not work, C.C.C. Plant cannot work. During that period all the mines in Ramkrishnapur Area were under lockout, so necessarily C.C.C. Plant also was under lockout Coal Chemical Complex is called as Mine. The reason for calling of Coal Chemical Complex as Mine is that the work in the Coal Chemical Complex is to dress the coal to coke for the sale. The distance between Ramakrishnapuram Coal Screening Plant No. II and Coal Chemical Complex is only 200 metres, and they are connected with a coal transporting conveyor. The distance between Ramkrishnapur 5 Incline Mine and Coal Chemical Complex is only 1.5 Km. In April, 1989 all the workmen in Ramkrishnapur Area went on illegal strike and there was lot of threat due to Naxalites problem and so the lockout was declared in respect of coal chemical complex as no activity could be continued and the safety of the plant is at danger. Because Coal Screening Plant 1 & 2 are also on strike, there was no material and practically there is no possibility for providing any work and the Management was justified in declaring the lockout mainly because of security reasons and also because of technical feasibility.

8. M. W2 is I. Sadananda Rao. He deposed that he is working as Accounts Officer in PT&M of Singareni Collieries Company Limited, Kothagudem, for the last 30 years he was working. From September, 1988 to July 1992 he has worked in Coal Chemical Complex, as Accounts Officer at Mancherial. The workmen in R.K. 5 Incline and Coal Screening Plant workers went on illegal strike resulting into locking out of Coal Chemical Complex.

9. The arguments of the Petitioner counsel that the Respondent-Management exhibited a notice dated 29-4-1989 declaring the lockout of all workmen of Coal Chemical Complex except the essential staff w.e.f. first shift of 29-4-1989, the reasons given for the lockout the workmen of Ramakrishnapur i.e. R.K.V. Incline went on sudden illegal strike from 1st shift of 29-4-89 without prior notice and the Company kept about more than 350 employees out of employment and lifted the lockout with effect from 2nd shift of 10-5-1989. The lockout declared is *prima facie* illegal and contrary to the provisions of the I.D. Act.

10. The Respondent Management has filed its written statement contending denial of all the allegations made by the Petitioner Union. It was argued that when there is a strike admittedly, that too, an illegal strike by the workers of the Singareni Collieries Mines the supply of coal cannot be made to Coal Chemical Complex which is also a unit of the S.C. Company Limited. A lockout consequent

upon a strike is not illegal. It may be noticed that the Singareni Collieries Company Limited was declared as a Public Utility Service as well as declared under Essential Services Maintenance Act and the Unions have no right to do any strike without notice and the Unions have chosen to go on illegal strike. Consequently the Respondent was constrained to declare lockout. It is not necessary to issue prior notice to the Coal Chemical Complex Union with regard to apprehending breach of peace and damage to the Company property and installations. The Coal Chemical Complex is adjoining to R.K.V. Incline Mine as well as the Coal Screening Plant-II. There is no facility of storing the coal at Coal Chemical Complex and Coal is received by the Coal Chemical Complex through the surge hoppers. Unless Mines are working the question of coal chemical complex functioning does not arise. It may be noticed that there is no storage capacity available for screened coal except to the extent of 500 to 550 tons. One cannot isolate the coal chemicals complex from the Mines and say that there was no strike at Coal Chemical Complex, and as such lockouts illegal. One cannot also make the allegation that there was no strike at Coal Chemical Complex, as such the lockout is illegal. Further there was no dispute with regard to any service conditions of the workmen, as such they did not go on strike. Only to raise dispute and also to gain wages during the lockout period petitioner Union with an ulterior motive had chosen to make allegations if Coal Chemical Complex is individual juristic personality and workmen of R.K.V. Incline are situated far away from the coal chemical complex and that there is no connection whatsoever is not correct.

11. There is no dispute that the workmen of R.K.V. Incline of Ramakrishnapur and Srirampur went on strike. These two groups of Mines are situated far away from the Coal Chemical Complex. When the workmen of Ramakrishnapur and Srirampur went on strike, the strike is in no way connected with the workmen of Coal Chemical Complex. The allegation of the Petitioner-Union is that when no notice of strike was served by the workmen of Coal Chemical Complex where was the necessity for the Respondent-Management to declare lockout for the workmen of Coal Chemical Complex. The contention of the Respondent-Management is that when R.K. V Incline workmen struck work w.e.f. 29-4-89 consequently coal production was stopped and there was no production of coal to supply to Coal Chemicals Complex which is part of R.K. V Incline Mine and for purpose of maintenance of peace and security the R.K. V Incline Colliery Manager declared lockout for Coal Chemicals Complex from 1st Shift of 29-4-1989. I find that it is not the duty of the workmen of Coal Chemical Complex to see the supply of coal to the Coal Chemical Complex, it is the duty of the Respondent-Management to make alternative arrangement for supply of coal to the Coal Chemical Complex. The workmen of R.K. V Incline struck work on 29-4-1989 and the lockout was declared for Coal Chemical Complex from 29-4-1989. On the other hand the Respondent-Management has not taken permission from the Government to declare lockout for the Coal Chemical Complex, when no notice of strike was served by the workmen of Coal Chemical Complex and that when there was no connection whatsoever with the strike called by the workmen of R.K. V Incline and Srirampur Division. Hence I find that there is no justification for the Respondent Management to declare the lockout for the Coal Chemical Complex from the 1st Shift of 29-4-1989 and depriving more than 350 employees of their wages and that the lock out was illegal.

12. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Project Manager, Coal Chemical Complex in declaring lockout from 29-4-1989 to 10-5-1989 and depriving more than 350 employees of their wages is not justified. The Respondent-Management is directed to pay full wages to all the concerned workmen for the period from 29-4-1989 to 10-5-1989 who were affected by the illegal lockout.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 4th day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on behalf of the Petitioner-Workman :
W.W1 P. Raja Reddy.
Witnesses Examined on behalf of the Respondent-Management :

M.W1 A. Rajamaliu
M.W2 I. Sadananda Rao

Documents marked for the Petitioner-Workman :

- Ex. W1 29-4-89.—Copy of the lockout notice issued by Colliery Manager, R.K. 5 Incline, S.C. Company Limited, Ramakrishnapur Division.
- Ex. W2 2-5-89.—Copy of the Conciliation application submitted by the President, CCC Workers' Union (BMS) to the Asst. Labour Commissioner (C), Mancherial.
- Ex. W3 5-5-1989.—Copy of the Circular issued by the Chairman & M.D., S. C. Company Limited with regard to wage particulars of Technical Supervisors and Clerks.
- the lockout.
- Ex. W4 8-5-89.—Copy of the letter addressed by the President, CCC Workers Union to the Project Manager, Coal Chemical Complex with regard to lifting
- Ex. W5 25-5-89.—Copy of the minutes of the Conciliation Proceedings held on 25-5-89 between the workmen and the Management of Coal Chemical Complex of S. C. Company Limited, before the Asst. Labour Commissioner (C), Mancherial at C.C.C.
- Ex. W6 31-5-89.—Copy of the Failure of Conciliation report submitted by the Asst. Labour Commissioner (C) Mancherial to the Secretary to Government of India, Ministry of Labour, New Delhi.

Documents marked for the Respondent/Management :

- Ex. M1 20-1-89.—Photostat copy of the letter addressed by the Project Manager, Coal Chemical Complex to the Company Secretary, Kothagudem with regard to conversion of letter of interest into industrial licence.
- Ex. M2 27-7-78.—Photostat copy of the letter addressed by the General Manager to the Secretary to Government, Ministry of Labour with regard to exemption of "Coal Chemical Complex" from the provision of Mines Act, 1952.
- Ex. M3 22-6-79.—Photostat copy of the letter addressed by the G.M. (HC) to the project Manager, C.C.C. Naspur with regard to coverage of C.C.C. under the Mines Act.
- Ex. M4 9-6-79.—Photostat copy of the letter addressed by the Project Manager, C.C.C. to the G.M., with regard to Accidents-Notification to the Mines Department.
- Ex. M5 24-10-88.—Photostat copy of the letter addressed by the General Manager, Ramakrishnapur to the Director of Mines Safety, Hyderabad Region No. II, Hyderabad with regard to authorisation for Coal Chemical Complex.
- Ex. M6 22-10-88.—Photostat copy of the Note Sheet of Director (Tech.) with regard to coverage of CCC under Mines Act.
- Ex. M7 21-11-88.—Photostat copy of the letter addressed by A. Ramaswamy Director (Tech.) to Sri Shyam, Dy. D.G.M.S., Hyderabad with regard to coverage of C.C.C. under Mines Act.
- Ex. M8 28-11-88.—Photostat copy of the letter addressed by Sri P. C. Shyam, Dy. Director-General of Mines Safety, Southern Zone, Hyderabad to the Director (Tech.), S. C. Ltd., Kothagudem Collieries with

regard to inclusion of C.C.C. Under R. K. 5 Incl'de Mine.

- Ex. M9.—Copy of the Plan showing the surface features and location of Mines of Ramakrishnapur and Sri-rampur Divisions.
- Ex. M10.—Copy of the Lay out of Coal Chemical Complex in RK-5 Mine (Boundary).
- Ex. M11.—Daily production of Coal in Coal Screening Plant.
- Ex. M12.—Daily production of Report of C.C.C.
- Ex. M13.—Men on Roll of C.C.C. during the period 10-4-89—28-4-89.
- Ex. M14.—Production Loss Reports.
- Ex. M15.—Yearwise loss statement.
- Ex. M16.—Xerox copies of the Profit and loss accounts of C.C.C.
- Ex. M17.—Notidcation of the Govt. reg. P.U.S. Company.

नई दिल्ली, 23 सितम्बर, 1993

का. भा. 2179 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, एस सी सी एल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-1993 को प्राप्त हुआ था।

[संख्या एल—22012/120/86-डी IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd September, 1993

S.O. 2179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 20-9-1993.

[No. L-22012/120/86-D.IV (B)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated : 4th day of September, 1993
Industrial Dispute No. 23 of 1989

BETWEEN,

The Workmen of Coal Chemical Complex, S.C.
Co. Ltd., P.O. Coal Chemical Complex
Nasapur, A.P.-504302. Petitioner

AND

The Management of Coal Chemical complex of
M/s. S.C. Co. Ltd., P.O. Coal Chemical
Complex, Nasapur A.P.-504302. Respondent

APPEARANCES :

M/s. G. Biskshapathi, G. Vidyasagar, V. Vishwantham,
N. Vinesh Raj and K. V. V. Bhaskar, Advocates—
for the Petitioner.

M/s. K. Srinivasa Murthy, and G. Sudha, Advocates—
for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/120/88-D.IV (B), dated 6-3-1989 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Coal Chemical Complex of M/s. Singareni Collieries Company Limited and their Workmen to this Tribunal for adjudication :

“Whether the action of the Management of Coal Chemical Complex of M/s. S.C. Co. Ltd., in declaring lock-out in Coal Chemical Complex and depriving more than 350 employees of their wages is justified ?
If not, to what relief the workman concerned are entitled ?”

This reference was registered as Industrial Dispute No. 23 of 1989 and notices were issued to the parties.

2. The brief facts of the claim statement filed by the Petitioner-workmen read as follows :

The Petitioner is a trade Union having been registered under the provisions of the Trade Union Act. It is affiliated to B.M.S. The workmen employed in the Coal Chemical Complex are the members of the Petitioner Union. The present dispute has been espoused by the Petitioner-Union. There are about 615 workmen employed in the factory. The Coal Chemical Complex is a subsidiary unit under the Singareni Collieries Company Limited. It has nothing to do with the mining operations. The Respondent exhibited a notice on 15-2-1988 declaring the lockout of all workmen of coal chemical complex except essential staff with effect from 2nd shift on 15-2-1988, the reasons assigned for declaring lockout are that the workmen of Ramakrishnapur and Sri-rampur Mines went on sudden illegal strike from 1st shift of 12-2-1988 without prior notice and that the Coal Chemical Complex apprehends breach of peace and damage to Company property and installations by virtue of this, the Company kept about more than 350 employees out of employment and remaining were taken into service in the guise of essential staff, the Respondent Management declared the lock out with effect from 2nd shift of 15th February, 1988 and lifted the lockout with effect from 2nd shift of 24th February, 1988. The lock-out declared in prima facie is illegal and contrary to the provisions of the I. D. Act. The workmen of Coal Chemical Complex did not go on strike much less illegal strike and there was no dispute at the relevant time between the Petitioner Union and the Respondent with regard to any service conditions of the workmen employed in the C.C.C. The alleged strike conducted by the workmen of Ramakrishnapur and Sri-rampur are situated far away from the complex and there is no connection whatsoever with the strike commenced by those workmen and the lockout imposed by the Respondent. Admittedly, there was no strike in the Coal Chemical Complex and the question of declaring lockout does not arise. As the substantial number of workmen are deprived of their wages on account of illegal lock out declared by the C.C.C., the matter was raised before the management for payment of full wages to the workmen affected by the illegal lockout. The lock-out notice is illegal and contrary to Sections 22, 23 and 24 of the I. D. Act. No lockout was declared in the Mines when the workers are alleged to have gone on illegal strike. The notice issued by the Management dated 16-2-1988 would indicated that on 13-1-1988 a notice of intention to go on strike on or after 12-2-1988 appears to have been issued. Thus the allegation that the workmen of

the Mines went on illegal strike is also not correct. In similar circumstances when the Respondent declared lockout in August, 1987, the Union filed Writ Petition No. 10488/87 challenging the illegal lockout and the same was allowed, against said order, Writ Appeal No. 1765/88 is filed by the Management and the same is pending. But the stay was refused. It is prayed to declare that the lockout notice issued by the Respondent No. EST-3443-89 dated 15-2-1988 as illegal and unjustified and to pass an award directing the Respondent to pay the full wages to all the concerned workmen for the period from 15-2-1988 to 24-2-1988 who are affected by the illegal lockout.

3. The brief facts of the counter filed by the Respondent is read as follows :

The allegation that Coal Chemical Complex (C.C.C.) is a factory is not correct and petitioner misconstrued the scope of the Factories Act. The Respondent is within the ambit of Mines Act and comes within the definition of 2(i)(j) and C.C.C. is adjacent as stated earlier to R.K.V. Incline and it is an ancillary process of getting dressed on mineral/coke. The Mines Manager of RK V Incline is declared as Manager under the Mines Act who controls and administers RK V Incline, C.C.C. and RK Coal Screening Plant II. For all purposes and under all statutes Respondent is declared as a Mine. There are about 614 workmen as on 15-2-1988 and at present the strength is 553. The service conditions of these workmen are the same as that of S.C. Company Limited, workmen and S.C. Company Limited Standing Orders are applicable to them. It is true that Respondent declared lockout on 15-2-1988 with effect from 2nd shift of 15-2-1988 in view of the apprehending breach of peace and damage to the Company property and installations as all the workmen working at RK V Incline and Srirampur and other department went on illegal strike. The Unions have no right to do any strike without notice and the Unions have chosen to go on illegal strike. Consequently respondent was constrained to declare lockout. The allegation that lockout declared in prima facie illegal and contrary to the provisions of the I. D. Act is not correct. It may be noticed there is no storage capacity available for screening nut coal for more than 500 to 550 tonnes. When the mines are not functioning and effected with strike and when there is no coal production the question of Coal Chemical Complex functioning does not arise. One cannot also make the allegation that there was no strike at Coal Chemical Complex as such locking out is illegal. It is submitted Management after going into all the aspects of the situation of the illegal strike only it has declared lockout but it is not a case that to deprive some of the workmen it has declared lockout. It is well settled in continuous process industries things are inter-related it is mandatory on the part of management to declare lockout to keep safe all the plant and machinery and whenever raw material required cannot be supplied by the adjoining mines. It may be noticed because of workmen illegal acts, mines lost production. No work could be turned out at Coal Chemical Complex screening plants and respondent incurred loss of production. Because of the illegal strike of the workmen only lockout was declared. It is true that petitioner union raised a demand to pay full wages to the workmen during the lockout period and management clearly explained its stand that Respondent is a part of the Mine. For the purpose of achieving their objects conveniently supported the strike at one breath and at another breath tried to make a demand for the lockout period wages as if they have not joined the strike. Petitioner Union people have also gone on strike in Ramakrishnapur, Bellampally, Srirampur and Mandamari areas. The allegation no lockout was declared in the Mines when the workers are alleged to have gone on illegal strike is not correct and the petitioner is put to strict proof of the same.

The contention of the Union that the workmen of Mines have not gone on illegal strike is false and petitioner is put to strict proof of the same. Because of strike and lack of raw material and to keep safe the important installations only lockout was declared. It is submitted management was left with no other alternative but to declare lockout as it is one of the important installations of the nations. In view of above petition Union is not entitled to the relief as prayed much less for declaration that the lockout notice issued by the Management dated 15-2-1988 is illegal and unjustified and also full wages on the ground of illegal lockout and dismiss the claim.

4. WW-1 was examined on behalf of the Petitioner-Union and marked Exs. W-1 to W-8. On the other hand MW-1 and MW-2 were examined on behalf of the Respondent and marked Exs. M-1 to M-90 were marked.

5. The point for adjudication is whether the action of the Management of Coal Chemical Complex of S.C. Company limited, in declaring lock-out in C.C.C. and depriving more than 350 employees of their wages is justified ?

6. WW-1 is P. Raja Reddy. He deposed that he is the President of Coal 1 Chemical Complex Workers Union from 1984. Now he is continuing as such. This dispute was referred to on their representation only. Their Complex has got nothing to do and there is no connection between their complex and Ramakrishnapur and Srirampur Mines. Except both are under the management of S.C. Company. By the date of lockout February, 1988 their complex did not come under the Mines Act. Their Complex is about two to nine kilometers from the above groups of said two mines. They never gave any strike notice on behalf of their Union in February, 1988 to the Management. The Management declared lockout of their Company from 2nd shift of 15-2-1988 as per Ex. W-1. Ex. refers only to 3rd shift on 15-2-1988. It was continued from 15-2-1988 onwards the management issued similar notices upto 2nd shift of 24-2-1988. Ex. W-2 is another such notice. The lockout was lifted on 24-2-1988 from 2nd shift. Their Union is nowhere connected with the strike of any other groups of Mines which was alleged to have been connected from February, 1988. Their Union is affiliated to B.M.S. and they could not give any strike notice in Ramakrishnapur or Srirampur Mines. From 12th February to 15th February till Ex. W-1 was issued, their Complex was worked as usual in three shifts. Those Union people from those Mines never came to them or asked them and forced them to stop work. They also issued a press statement to that effect under dated 15-2-1988. Ex. W-3 and the same was published in the local newspapers Ex. W-4. He also sent representation to the Regional Labour Commissioner Central on 16-2-1988 asking them to initiate conciliation office copy is Ex. W-5. Even during that period no galata or incident like other Union workers coming from out side and forcing them to abandon work. Out of 614 workers of C.C.C. 350 were declared as essentials. Though more than 50% of the workers worked there was no untowards incident or threat to the property of company etc., Ex. W-7 is the views of the Union submitted to the Commissioner of Labour. The lockout was declared in toto for 9 days. Roughly 300 workers lost their wages for these 9 days. Hence the prayer that the wages should be paid to the workmen effected by the lockout.

7. MW-1 is B. Rajamallu. He deposed that he is working as Deputy Chief Engineer, Coal Chemical Complex Naspur from 1-1-1978. He is fully aware of the facts. A lockout was declared at C.C.C. from 15th February, 1988 to 24th February, 1988. As the workers at the Mines were on strike there was no coal supplied to the C.C.C. In all those mines illegal strike was there at that time C.C.C. is a Mine part of R.K. 5 Incline. The Manager of R.K. 5 Incline is the competent authority to sign all the documents of C.C.C. C.C.C. was declared as a Mine because the main work of C.C.C. is dressing the coal to be sold in the market as coke. Hence it was declared as a Mine under the provisions of the Mines Act. Directly no coal from any mine will be put into C.C.C. without being screened from C.S.P. I and C.S.P. II. At that time C.S.P. I and II workers were also on illegal strike and hence even if any coal was got from out side it cannot come to C.C.C. as the C.S.P. workers were on

strike. It is not true to say that while C.S.P. I and II workers were on strike even, C.C.C. can function. The workers engaged by them during the lockout period was varying from 27 to 183. In the general shift 183 people were engaged for preventive maintenance of the equipment and attending to some plant repairs etc. During the lockout period it is not possible to provide work to the full strength of the workers in C.C.C. as C.S.P. I and II and Mines are not working. It is not true to say that they have intentionally declared as lockout thus deprived the employees of their wages and hence they could be paid their wages for the lockout.

8. MW-2 is I. Sadananda Rao. He deposed that he has been working as Accounts Officer in the Respondent company in Coal Chemical Complex, Mancherial since 1988. Whenever there is a strike by the workmen in the Respondent Company, the Respondent company will not take any disciplinary action against all the workmen participated in the strike, but the Respondent Company will take disciplinary action against those persons who instigated the strike. The management of the Respondent Company is not in a position to control the strike in Bellampalli Area, and there the management usually resort to declare lockout whenever the strike is resorted to by the workmen in Bellampalli Area, in view of keeping the safety of the Respondent-Company. The Respondent will incur loss whenever the workmen resort to strike. From second shift on 15-8-1988 the lockout was declared by the management in Coal Chemical Complex, as the workmen went on strike from 12th February, 1988.

9. The arguments of the Petitioner counsel that the Respondent-Management exhibited a notice on 15-2-1988 declaring the lockout of all workmen of coal chemical complex except essential staff w.e.f. 2nd shift on 15-2-1988, the reasons given for the lockout, the workmen of Ramakrishnapur and Srirampur Mines went on sudden illegal strike from 1st shift of 12-2-1988 without prior notice and the company kept about more than 350 employees out of employment and lifted the lockout with effect from 2nd shift of 24-2-1988. The lockout declared is prima facie illegal and contrary to the provisions of the I. D. Act.

10. The Respondent-Management has filed its written statement contending denial of all the allegations made by the Petitioner-Union. It was argued that when there is a strike admittedly, that too, an illegal strike by the workers of the Singareni Collieries Mines the supply of coal cannot be made to Coal Chemical Complex which is also a unit of the S.C. Company Limited. A lockout consequent upon a strike is not illegal. It may be noticed that the Singareni Collieries Company Limited was declared as a Public Utility Service as well as declared under Essential Services Maintenance Act and the Unions have no right to do any strike without notice and the Unions have chosen to go on illegal strike. Consequently respondent was constrained to declare lockout. It is not necessary to issue prior notice to the Coal Chemical Complex Union with regard to apprehending breach of peace and damage to the Company property and installations. The Coal Chemical Complex is adjoining to RK-V Incline Mine as well as the Coal Screening Plant-II. There is no facility of storing the coal at Coal Chemical Complex and coal is received by the Coal Chemical Complex through the surj hoppers. Unless Mines are working the question of coal chemical complex functioning does not arise. It may be noticed that there is no storage capacity available for screened coal except to the extent of 500 to 550 tons. One cannot isolate the coal chemicals complex from the Mines and say that there was no strike at Coal Chemicals Complex, and as such lockout is illegal. One cannot also made the allegation that there was no strike at Coal Chemical Complex, as such the lockout is illegal. Further there was no dispute with regard to any service conditions of the workmen, as such they did not go on strike. Only to raise dispute and also to gain wages during the lockout period petitioner Union with an ulterior motive had chosen to make allegations as if Coal Chemical Complex is individual justice personally and workmen of RK-V Incline are situated far away from the coal chemical complex and that there is no connection whatsoever is not correct.

11. There is no dispute that the workmen of RK-V Incline of Ramakrishnapur and Srirampur went on strike. These two group of mines are situated far away from the Coal Chemical Complex. When the workmen of Ramakrishnapur and Srirampur went on strike, the strike is in no way connected with the workmen of Coal Chemical Complex. The allegation of the Petitioner-Union is that when no notice of strike was served by the workmen of Coal Chemical Complex where was the necessity for the Respondent-Management to declare lockout for the workmen of Coal Chemical Complex. The contention of the Respondent-Management is that when RK-V Incline workmen struck work w.e.f. 3-4-1989 consequently coal production was stopped and there was no production of coal to supply to Coal Chemicals Complex which is part of RK-V Incline Mine and for purpose of maintenance of peace and security the RK-V Incline Colliery Manager declared lockout for Coal Chemical Complex from 29-4-1989. I find that it is not the duty of the workmen of Coal Chemical Complex to see the supply of coal to the Coal Chemical Complex, it is the duty of the Respondent-Management to make alternative arrangement for supply of coal to the Coal Chemical Complex. The workmen of RK-V Incline struck work on 3-4-1989 and the lockout was declared for Coal Chemicals Complex from 29-4-1989. What action was taken by Management during the period from 3-4-1989 to 29-4-1989. On the other hand the Respondent-Management has not taken permission from the Government to declare lockout for the Coal Chemical Complex and when no notice of strike was served by the workmen of Coal Chemical Complex, and that when there was no connection with the strike called by the workmen of RK-V Incline and Srirampur Division. Hence I find no justification in declaring lockout for the Coal Chemical Complex from the 2nd shift of 15-2-1988 and depriving more than 350 employees of their wages and that the lockout was illegal.

12. In the result, the action of the Management of Coal Chemical Complex of M/s. Singareni Company Limited in declaring lock-out in Coal Chemical Complex and depriving more than 350 employees of their wages is not justified. The Respondent-Management is directed to pay the full wages to all the concerned workmen for the period from 15-2-1988 to 24-2-1988 who were effected by the illegal lockout.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 4th day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined

for the Workmen :

WW-1—P. Raja Reddy.

Witnesses Examined

for the Management :

MW-1—B. Raja Mallu.

MW-2—I. Sadananda Rao.

Documents marked for the Workmen

- Ex. W-1/15-2-88—Photostat copy of the Lockout notice dated 15-2-88 of Project Manager, Coal Chemicals Complex, Mancherial, Adilabad District.
- Ex. W-2/16-2-88—True Copy of the Lockout notice dated 16-2-88 of Project Manager, Coal Chemicals Complex, S.C. Co. Ltd., Mancherial.
- Ex. W-3/15-2-88—Press Statement dated 15-2-88 of Coal Chemical Complex workers' Union.
- Ex. W-4.—Paper publication in local News Papers with regard to Ex. W-3.
- Ex. W-5/16-2-88.—Representation dated 16-2-88 of Coal Chemical Complex Workers Union to the Regional Labour Commissioner (C), Hyderabad, Hyderabad with regard to illegal lockout declared by the coal chemical complex Management.
- Ex. W-6/16-2-88—Printed appeal dated 16-2-88 to all the worker to resume their normal duties by the Management of S.C. Co. Ltd., Kothagudem.
- Ex. W-7—View of the Union.

Ex. W-8/25/27-7-88—Failure of conciliation report dated 25/27-7-88.

Documents marked for the Management

- Ex. M-1/27-7-78—Photostat copy of the letter dated 27-7-78 from the General Manager, S.C. Co. Ltd., Kothagudem to the Secretary to Government, Ministry of Labour, New Delhi with regard to exemption of coal chemicals complex from the provisions of Mines Act, 1952.
- Ex. M-2/22-6-79—Photostat copy of the letter dated 22-6-79 from General Manager (Headquarters) to Project Manager Coal Chemical Complex with regard to coverage of C.C.C. under the Mines Act.
- Ex. M-3/9-6-79—Photostat copy of the letter dated 9-6-79 from Project Manager, Coal Chemical Complex to the General Manager, Kothagudem with regard to accidents—Notice to the Mines Department.
- Ex. M-4/24-10-88—Photostat copy of the letter dated 24-10-88 from General Manager, Ramakrishnapur, to the Director of Mines Safety, Hyderabad Region No. II Hyderabad with regard to authorisation of Manager for coal chemicals complex.
- Ex. M-5/Dated Nil—Photostat copy of the letter dated NIL from General Manager, Ramakrishnapur Area, S.C. Co. Ltd., Adilabad Dist. (A.P.) to the Director General of Mines Safety Dhanbad, Bihar and the Director of Mines Safety, Hyderabad Region-II, Hyderabad (AP) with regard to appointment of Manager at Coal Chemicals Complex, Ramakrishnapur of S.C. Co. Ltd.
- Ex. M-6—Photostat copy of the Note regarding coverage of coal chemicals complex under Mines Act, and plan.
- Ex. M-7/21-11-88—Photostat copy of the letter dated 21-11-88 from Director (Technical) of S.C. Co. Ltd. Dy. Director General of Mines Safety, Hyderabad with regard to coverage of coal chemicals complex under Mines Act.
- Ex. M-8/28-11-88—Photostat copy of the letter dated 28-11-88 from Dy. Director-General of Mines Safety Southern Zone, Hyderabad to the Director (Technical), S.C. Co. Ltd., Kothagudem with regard to inclusion of coal chemicals complex under RK-5 Incline Mine.
- Ex. M-9—Map showing the locations and distances between coal chemicals complex, RK-5 Incline Mine RKP-I Coal Screening Plant and RKP-II coal screening plant.
- Ex. M-10—Map showing coal chemicals complex is within the boundaries of RK-5 Incline Mine.
- Ex. M-11—Photostat copy of the Statement showing Men-on-Roll before and after the strike period.
- Ex. M-12—Photostat copy of the Statement showing the details of workmen engaged during the strike period, departmentwise and shiftwise with details of work.
- Ex. M-13/1-2-88—Photostat copy of the output report for 1-2-88 pertaining to Ramakrishnapur Area-I, S.C. Co. Ltd.
- Ex. M-14/2-2-88—Photostat copy of the output report for 2-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.
- Ex. M-15/3-2-88—Photostat copy of the output report for 3-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.
- Ex. M-16/4-2-88—Photostat copy of the output report for 4-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.
- Ex. M-17/5-2-88—Photostat copy of the output report for 5-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.
- Ex. M-18/6-2-88—Photostat copy of the output report for 6-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-19/7-2-88—Photostat copy of the output report for 7-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-20/8-2-88—Photostat copy of the output report for 8-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-21/9-2-88—Photostat copy of the output report for 9-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-22/10-2-88—Photostat copy of the output report for 10-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-23/11-2-88—Photostat copy of the output report for 11-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-24/12-2-88—Photostat copy of the output report for 12-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-25/13-2-88—Photostat copy of the output report for 13-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-26/14-2-88—Photostat copy of the output report for 14-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-27/15-2-88—Photostat copy of the output report for 15-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-28/16-2-88—Photostat copy of the output report for 16-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-29/17-2-88—Photostat copy of the output report for 17-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-30/18-2-88—Photostat copy of the output report for 18-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-31/19-2-88—Photostat copy of the output report for 19-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-32/20-2-88—Photostat copy of the output report for 20-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-33/21-2-88—Photostat copy of the output report for 21-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-34/22-2-88—Photostat copy of the output report for 22-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-35/23-2-88—Photostat copy of the output report for 23-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-36/24-2-88—Photostat copy of the output report for 24-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-37/24-2-88—Photostat copy of the output report for 24-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-38/25-2-88—Photostat copy of the output report for 25-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-39/26-2-88—Photostat copy of the output report for 26-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-40/27-2-88—Photostat copy of the output report for 27-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

Ex. M-41/28-2-88—Photostat copy of the output report for 28-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.

- Ex. M-42/29-2-88—Photostat copy of the output report for 29-2-88 pertaining to Ramakrishnapur Area, S.C. Co. Ltd.
- Ex. M-43/20-11-87—Photostat copy of the notification dated 20-11-87 of the Under Secretary, Ministry of Labour, New Delhi, with regard to declaration of coal industry as public utility service for a period of six months from 3-12-87.
- Ex. M-44/27-8-90—Photostat copy of the letter dated 27-8-90 from Addl. Chief-F&A (C) to company Secretary giving details of losses of coal chemicals complex from the inception.
- Ex. M-45—Xerox copy of profit and loss account of coal chemicals complex, for 1988-89.
- Ex. M-46—Xerox copy of profit and loss account of coal chemicals complex for 1987-88.
- Ex. M-47—Xerox copy of the profit and loss account of coal chemicals complex for 1987-88.
- Ex. M-48—Xerox copy of the profit and loss account of coal chemicals complex for 1987-88.
- Ex. M-49—Xerox copy of the profit and loss account of coal chemicals complex for 1987-88.
- Ex. M-50—Xerox copy of the profit and loss account of coal chemicals complex for 1986-87.
- Ex. M-51—Xerox copy of the profit and loss account of coal chemicals complex for 1986-87.
- Ex. M-52—Xerox copy of the profit and loss account of coal chemicals complex for 1986-87.
- Ex. M-53—Xerox copy of the profit and loss account of coal chemicals complex for 1986-87.
- Ex. M-54—Xerox copy of the profit and loss account of coal chemicals complex for 1985-86.
- Ex. M-55—Xerox copy of the profit and loss account of coal chemicals complex for 1985-86.
- Ex. M-56—Xerox copy of the profit and loss account of coal chemicals complex for 1985-86.
- Ex. M-57—Xerox copy of the profit and loss account of coal chemicals complex for 1984-85.
- Ex. M-58—Xerox copy of the profit and loss account of coal chemicals complex for 1984-85.
- Ex. M-59—Xerox copy of the profit and loss account of coal chemicals complex for 1984-85.
- Ex. M-60—Xerox copy of the profit and loss account of coal chemicals complex for 1984-85.
- Ex. M-61—Xerox copy of profit and loss account of coal chemicals complex for 1983-84.
- Ex. M-62—Xerox copy of profit and loss account of coal chemicals complex for 1983-84.
- Ex. M-63—Xerox copy of profit and loss account of coal chemicals complex for 1983-84.
- Ex. M-64—Xerox copy of profit and loss account of coal chemicals complex for 1983-84.
- Ex. M-65—Xerox copy of profit and loss account of coal chemicals complex for 1983-84.
- Ex. M-66—Xerox copy of profit and loss account of coal chemicals complex for 1983-84.
- Ex. M-67—Xerox copy of profit and loss account of coal chemicals complex for 1982-83.
- Ex. M-68—Xerox copy of profit and loss account of coal chemicals complex for 1982-83.
- Ex. M-69—Xerox copy of profit and loss account of coal chemicals complex for 1982-83.
- Ex. M-70—Xerox copy of profit and loss account of coal chemicals complex for 1982-83.
- Ex. M-71—Xerox copy of profit and loss account of coal chemicals complex for 1982-83.
- Ex. M-72—Xerox copy of profit and loss account of coal chemicals complex for 1981-82.
- Ex. M-73—Xerox copy of profit and loss account of coal chemicals complex for 1981-82.
- Ex. M-74—Xerox copy of profit and loss account of coal chemicals complex for 1981-82.
- Ex. M-75—Xerox copy of profit and loss account of coal chemicals complex for 1981-82.
- Ex. M-76—Xerox copy of profit and loss account of coal chemicals complex for 1981-82.
- Ex. M-77—Xerox copy of the profit and loss account of coal chemicals complex for 1980-81.
- Ex. M-78—Xerox copy of the profit and loss account of coal chemicals complex for 1979-80.
- Ex. M-79—Photostat copy of the statement showing loss during strike period.
- Ex. M-80/15-2-88—Copy of the letter dated 15-2-88 from project Manager, Coal Chemical Complex to the Asst. Labour Commissioner (C) with regard to lock out of coal chemical complex, S.C. Co. Ltd.
- Ex. M-81—Balance Sheet and Profit and Loss Account for the Year 1979-80.
- Ex. M-82—Balance Sheet and Profit and Loss Account for the year 1981-82.
- Ex. M-83—Balance Sheet and Profit and Loss Account for the year 1982-83.
- Ex. M-84—Balance Sheet and Profit and Loss Account for the year 1983-84.
- Ex. M-85—Balance Sheet and Profit and Loss Account for the year 1984-85.
- Ex. M-86—Balance Sheet and Profit and Loss Account for the year 1985-86.
- Ex. M-87—Balance Sheet and Profit and Loss Account for the year 1986-87.
- Ex. M-88—Balance Sheet and Profit and Loss Account for the year 1987-88.
- Ex. M-89—Balance Sheet and Profit and Loss Account for the year 1988-89.
- Ex. M-90—Balance Sheet and Profit and Loss Account for the year 1989-90.

[No. L-40012/263/92-IR/DW)(Pt.)]

नई दिल्ली, 21 सितम्बर, 1993

का. आ. 2180 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेंडेंट आफ पोस्ट आफिस के प्रबन्धन से संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-93 को प्राप्त हुआ था।

[सं. एन-40012/263/92-आईआर (जी. यू.) (पीटी)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 21st September, 1993

S.O. 2180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Offices and their workmen, which was received by the Central Government on 20-9-93.

[No. L-40012/263/92-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Friday, the 3rd day of September, 1993

PRESENT :

Thiru K. Sampath Kumaran, B.A.B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 16/1993

(In the matter of dispute for adjudication under Section 10(1)(d) of the Industrial Dispute Act, 1947 between the Workman and the Management of Senior Superintendent of Post Offices, Erode-638001)

BETWEEN :

Thiru S.G. Syed Zakir, Karunandhru, Gopichettyalayam T. K., Periyar Distt. 638457.

AND

The Sr. Superintendent of Post Offices,
Erode Division,
Erode—638001.

REFERENCE :

Order No. L-40012/263/92-IR(DU), dated 20-1-93 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru T. K. Rajeswaran, Additional Standing Government Counsel appearing for the Management upon perusing the reference and other connected papers on record and the Workman being absent, this Tribunal passed the following :—

AWARD

This dispute arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India, for adjudication of the following issue :—

"Whether the Sr. Superintendent of Post Offices is justified in terminating the services of Shri S. G. Syed Zakir w.e.f. 21-11-90 A.N. ? If not, what relief the workman concerned is entitled to ?"

Today when the dispute is called, Respondent's Counsel represented. Petitioner called absent.

Industrial dispute is dismissed for default. No costs.
Dated, this 3rd day of September, 1993.

THIRU K. SAMPATH KUMARAN, Industrial Tribunal.

नई दिल्ली, 21 सितम्बर, 1993

का. आ. 2181 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेंडेंट आफ पोस्ट आफिस, मनसु-रार्द के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-93 को प्राप्त हुआ था।

[सं. एल-40012/25/92—आई आर (डी. यू.) (पीटी)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 21st September, 1993

S.O. 2181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Super of Post Offices Manamadurai and their workmen, which was received by the Central Government on 20-9-93.

[No. L 40012/25/92-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

2194 GI/93—8

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Wednesday, the 1st day of September, 1993

PRESENT :

Thiru K. Sampath Kumaran, B.A.B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 10/1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Superintendent of Post Offices, Manamadurai).

BETWEEN :

Thiru N. Balasubramaniam, Marakathor P.O., Kalayar-Loil 623551., Thevar Thirumagan Distt.

AND

The Superintendent of Post Offices, Manamadurai Division, Manamadurai-623606.

REFERENCE :

Order No. L-40012/25/92-IR(DU), dt. 18-1-93, of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru T. K. Rajeswaran, Additional Standing Government Counsel appearing for the Management, upon perusing the reference and other connected papers on record and the Workman being absent, this Tribunal passed the following :—

AWARD

This dispute arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India, for adjudication of the following issue :

"Whether the action of the Superintendent of Post Offices in terminating the services of Shri N. Balasubramaniam is justified ? If not, what relief he is entitled to ?"

Today, when the dispute is called, Claim statement not filed. Further time refused. Petitioner called absent. Set exparte.

Industrial Dispute is dismissed for default.

Dated, this 1st day of September, 1993.

THIRU K. SAMPATH KUMARAN, Industrial Tribunal

नई दिल्ली, 21 सितम्बर, 1993

का. आ. 2182 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंद्रीग्रल कोच फैक्ट्री मद्रास के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-93 को प्राप्त हुआ था।

[सं. एल-41012/112/91-आई आर (डी यू.) (पीटी)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 21st September, 1993

S.O. 2182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of

Integral Coach Factory, Madras and their workmen, which was received by the Central Government on 20-9-93.

[No. L-41012/112/91-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Thursday, the 26th day of the August, 1993

PRESENT :

Thiru K. Sampath Kumaran, B.A.B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 8/1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Integral Coach Factory, Madras-38).

BETWEEN :

Thiru V. R. Krishnamurthy,
No. 17, Kangipuram,
34th Street,
Ayanavaram,
Madras-600023.

AND

The General Manager,
Integral Coach Factory,
Madras-600038.

REFERENCE :

Order No. L-41012/112/91-IR(DU), dt. 5/18-1-93,
Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference and other connected papers on record and both parties being absent, this Tribunal passed the following

AWARD

This dispute arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India, for adjudication of the following issue :

"Whether the action of the Management of Integral Coach Factory, Madras in terminating the services of Shri V. R. Krishnamurthy, Khalasi w.e.f. 30-5-1988 is legal and justified ? If not, to what relief the workman is entitled to ?"

Respondent Management called absent. No representation for petitioner and respondent. After lunch also when called no representation for the respondent. Respondent also called absent.

This is a reference made for the adjudication of the dispute regarding the termination from service of the petitioner. When the summons was taken to the petitioner it has been reported that the petitioner is dead. It was reported by Respondent's representative also that the petitioner is dead. Though time was granted for taking steps, no steps have been taken for more than three months. The respondent remained absent. So, notice was ordered to the respondent to appear today. Even today there is no representation for Respondent, and the Respondent is also absent.

Hence the Industrial dispute is dismissed.

Dated, this 26th day of August, 1993.

THIRU K. SAMPATH KUMARAN, Industrial Tribunal

नई दिल्ली, 21 सितम्बर, 1993

का. ग्रा. 2183 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मद्रास टेलीफोन्स मद्रास के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-93 को प्राप्त हुआ था।

[सं. एल-40012/262/91-ग्राई ग्रा (डीयू) (पीटी)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 21st September, 1993

S.O. 2183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Telephones, Madras and their workmen, which was received by the Central Government on 20-9-93.

[No. L-40012/263/91-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Friday, the 3rd day of Sep'tember, 1993

PRESENT :

Thiru K. Sampath Kumaran, B.A. B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 15/1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Madras Telephones, Madras-10).

BETWEEN :

Thiru J. Hanumantha Rao,
8, Asirvathapuram,
6th Street, Pulianthopu,
Perambur Barracks Road,
Madras-600012.

AND

The Chief General Manager,
Madras Telephones,
78, Purasawalkam High Road,
Madras-600010.

REFERENCE :

Order No. L-40012/262/91-IR(DU), dated 20-1-93 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference and other connected papers on record and both parties being absent, this Tribunal passed the following

AWARD

This dispute arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India, for adjudication of the following issue :

"Whether the termination of services of Shri J. Hanumantha Rao by the Management of Madras Telephones, is justified ? If not, what relief he is entitled to ?"

Petitioner called absent. There is no representation for Respondent also.

Industrial dispute is dismissed for default. No costs.

Dated, this the 3rd day of September, 1993.

THIRU K. SAMPATH KUMARAN, Industrial Tribunal

नई दिल्ली, 22 मितम्बर, 1993

का. आ. 2184 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. की साउथ गोविन्दपुरी कोलियरी के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-93 को प्राप्त हुआ था।

[सं. एन-20012/28/91-प्राई आर (कोल-I)]

एच. सी. गोड़, डेस्क अधिकारी

New Delhi, the 22nd September, 1993

S.O. 2184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Govindpur Colliery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 21-9-93.

[No. L-20012/28/91-IR(Coal-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1) (d) of the I.D. Act, 1947.

REFERENCE NO. 122 OF 1991

PARTIES :

Employers in relation to the management of South Govindpur Colliery in Govindpur Area No. III of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 13th September, 1993

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 was referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/28/91-I.R. (Coal-I), dated, Nil.

SCHEDULE

"Whether the management of South Govindpur Colliery in Govindpur Area No. III of M/s. BCCL is justified in not regularising Shri D. K. Mitra in the post of Storekeeper Grade-I with all the benefits as per NCWA III and IV with retrospective

effect from 9-4-84 ? If not, to what relief is the said workman entitled to?"

2. In the present reference the action of the management of South Govindpur Colliery in Govindpur Area No. III of M/s. BCCL has been challenged in not regularising Shri D. K. Mitra in the post of Store Keeper Grade-I as per NCWA-III and IV with retrospective effect from 9-4-84.

3. The concerned workman filed his statement of claims stating that he has been working as Storekeeper since long and has completed 240 days attendance in each calendar year as Storekeeper. But the management arbitrarily is paying the wages of Clerical Grade-III in violation of the mandatory provision of law and NCWA-I, II and III.

3. After having seen anti-labour attitude of the management the concerned workman filed an application under Section 33C(2) of the I.D. Act before the Labour Court claiming difference of wages between Clerical Grade-I and Clerical Grade-III vide L.C. Application No. 10/82. The Court was pleased to pass order in favour of the concerned workman directing the management to pay the difference of wages. The concerned workman after passing the aforesaid order represented his case before the management for his regularisation as Clerk Grade-I with retrospective effect but his prayer was not allowed. The concerned workman then raised industrial dispute before the ALCC, Dhanbad demanding regularisation as Store Keeper with effect from 9-4-84. However, the conciliation ended in failure giving rise to the present reference.

4. The management denied the assertion of the concerned workman and resisted his claim for regularisation as Storekeeper Grade-I. According to the management the concerned workman has been designated as Store Issue Clerk and has been placed in Clerical Grade-III. He has been performing duties of Store Issue Clerk and he is also junior-most of all other staff. On these grounds he cannot claim regularisation as Store Keeper Grade-I.

5. It was further stated that after the introduction of Cadre Scheme for Stores Personnel in July, 1984 the designation of Storekeeper was given to the persons holding Grade-I after being promoted from the post of Asstt. Store Keeper. The concerned workman was Store Issue Clerk and he was not promoted to the Asstt. Store Keeper in Clerical Grade-II and therefore his demand for his promotion to the post of Storekeeper in Grade-I is without any merit. It was contended that the cadre scheme framed by IBCCI and the same will be binding on the management as well as the workman. The management contended that wherever any workman performs the duties of any higher category or the higher grade he gets difference of wages of higher category. But he cannot claim promotion by way of regularisation.

6. It was submitted that there was no vacant post of Storekeeper Grade-I in the colliery and the question that the concerned workman was working as Storekeeper in Grade-I does not arise. The concerned workman has not been relieved of the responsibilities of performing the duties of Store Issue Clerk and so his assertion that he is not performing duties of Store Issue Clerk is without any merit.

7. While giving parawise reply to the W.S. of the concerned workman it was contended that the concerned workman never worked for 240 days as Storekeeper in a calendar year. However, it was admitted that the concerned workman had filed an application under Section 33C(2) of the I.D. Act before the Labour Court claiming difference of wages of Clerical Grade-I and III and the case was adjudicated in his favour but the management filed Writ Petition challenging the order of the Court and that petition was decided in favour of the management. On these grounds it was submitted that the concerned workman has got no case and he is not entitled to any relief.

8. The point for consideration is as to whether the concerned workman is entitled for his regularisation as Storekeeper in Grade-I with effect from 9-4-84.

9. As stated above the case of the concerned workman was that he had been working as Storekeeper since long to the best satisfaction of the Management. However, the management has denied this fact. Shri D. K. Mitra while deposing as WW-1 stated that his designation was Store

Issue Clerk in Grade-III but he has been working as Store Keeper since 1979 which is Grade-I. This impliedly goes to show that previously the concerned workman was employed as Store Issue Clerk in Grade-III and according to his own saying he has not been able to get Grade-II from Grade-III. This means he was not given any promotion from Grade-III. However this fact has been controverted by Shri Om Prakash Joshi, MW-1 according to Shri Joshi MW1 as per Wage Board Recommendation the Store Issue Clerk is an employee of the Grade-III whereas Store Keeper in Grade-II and Grade-I both. He knows the concerned workman who was previously in Grade-III but later on he was placed in Grade-II. Be that as it may, the concerned workman wants his regularisation as Store Keeper on the ground that he has been working as such since long. He has also filed a number of documents to establish this fact but before dealing with such document one thing has to be made clear that the concerned workman is Store Issue Clerk although he claims to have been doing as Store Keeper. The question will naturally arise as to whether he is doing as Storekeeper independently or in addition to his own duties as Store Issue Clerk. There is nothing to show that he had made over charge to anybody as Store Issue Clerk. Admittedly, his designation is Store Issue Clerk and this will be suggestive of the fact that he is doing as Store Keeper in addition to his work as Store Issue Clerk.

10. A good number of documents have been filed just to establish the fact that the concerned workman has been working as Store Keeper. Ext. W-1 series (W-1 to W-45) are notesheets addressed to the General Manager, Govindpur Area for purchase of different kinds of materials on emergency basis for maintaining the office work. This relate to the year 1984 to 1992. These notesheets were given by the Agent, Welfare Officer and the Store Keeper. The concerned workman has signed on these papers in the capacity of Store Keeper. This means the Agent/Superintendent and the General Manager quite aware and alive of the fact that the concerned workman was doing as Store Keeper. Ext. W-2 are the photo copies of leave application of the concerned workman where he has been shown as Store Keeper. However, they do not bear the signature either of the Welfare Officer or the management. Ext. W-3 series are the service sheets of the different employees prepared by the concerned workman and others. There also the concerned workman has signed as Store Keeper. Ext. W-4 series are the papers showing an advance taken by the concerned workman for purchase of dumper and spare parts. The papers have been signed by concerned workman as Store Keeper. Ext. W-5 series are the letters addressed to the different suppliers of Katrasgarh, Nawagarh for supply of materials. The letters were signed by the Storekeeper, Engineer, and the Manager. The concerned workman signed as Storekeeper. Ext. W-6 series are the statement showing monthly stores consumption. It bears the signature of the concerned workman as Storekeeper and the Agent. They relate to the period of 1986 to 1991. Ext. W-7 series are the statement of Kapila Committee. Signature of the concerned workman as Storekeeper is there. Ext. W-8 series are the statement showing issue of diesel and petrol for June 1981 and April 1982. It bears the signature of the concerned workman as Store Keeper. Ext. W-9 series are the pay orders showing signature of the concerned workman as Storekeeper. Ext. W-10 series are also the forwarding note to Area Finance Manager, Govindpur Area and the concerned workman signed as Storekeeper. Ext. W-11 series are the letters issued to the Dy. Manager (Amn.)/Agent giving information that Shri D.K. Mitra, Storekeeper was advised to go to Jharia for purchase of certain materials. In these letters also the concerned workman has been described as Storekeeper. Again Ext. W-12 series are the casual leave application of the concerned workman showing his designation as Storekeeper and the application bears the endorsement of the Agent concerned. Ext. W-13 series do not bear the signature of any authority. Ext. W-14 series are the application concerning Award of Scholarship to Shri Sandeep Mitra son of Shri D. K. Mitra, Storekeeper. The letter has been addressed to the Personnel Manager by the Agent, South Govindpur Colliery. In these letters the concerned workman has been described as Storekeeper. Ext. W-15 series have addressed to the concerned workman but his designation has not been mentioned. Similarly Ext. W-16 to W-26 are various documents in which

the concerned workman has been described as Storekeeper. Ext. W-23 series show that he was allowed duty even on Sunday to work as Storekeeper.

11. These are the various documents which are very much speaking to state the fact that the concerned workman has been working as Storekeeper since the year 1984 to the best knowledge of all the authorities of the management. The statement of the management that the concerned workman being the leader of the sponsoring union adopted unfair means by putting his designation as Storekeeper in some of the letters and papers could have been very well accepted had the documents been a few but in the face of such a large number of documents as discussed above the plea of the management can be hardly accepted. But it is also true that he has not been doing independently as Storekeeper. There is nothing like attendance sheet to prove that he had completed more than 240 days in a calendar year independently as Storekeeper. But from the documents it is clear that he was very much involved in the work as Storekeeper. Even supposing for the sake of argument that he had worked for more than 240 days as Storekeeper, will it be just and proper to regularise as Storekeeper Grade-I. I think the answer must go in for negative for the simple and obvious reason that he is not working exclusively as Storekeeper. In such circumstances the workman affected if advised are to file an application for payment of difference of wages. In this regard also there is a reference in the W.S. of both the parties. At this stage it was contended that the concerned workman had filed an application vide L.C. 10/82 under Section 33C(2) of the I.D. Act claiming difference of wages between Store Issue Clerk and Storekeeper. This application was allowed by the Central Govt. Labour Court, Dhanbad but the management went up before the Hon'ble High Court in Civil Writ Jurisdiction vide Case No. 844 of 1983(R) and the Hon'ble Court was pleased to remand back the case for reconsideration. The certified copy of the judgement has been filed. The main contention of the management petitioner before the Hon'ble Court was that the concerned workman was entitled for allowance only in accordance with the rules and Standing Order applicable to him. The Hon'ble Court remanded the matter back to the Labour Court with a direction to give opportunity to the parties to bring on record the rules and Standing Orders applicable to the workmen.

12. It is also a fact that the concerned workman has been holding designation of Store Issue Clerk from the very beginning and according to his own evidence he has not been promoted to Grade-II. At this stage reference may be made to the NCWA-IV Chapter II, Para 2.11 provides as follows:

"upgradation of Daily Rated and Monthly rated employees who have remained in the same category/grade for 10 years or more :

Daily rated and monthly rated employees who have remained in the same category/grade for a period of 10 years or more would be upgraded to the next higher category/grade and such upgradation will take effect from 1st July, 1989. Employees completing 10 years of service in the same category/grade subsequently will be upgraded with effect from 1st July, 1990 and 1st July, 1991 respectively. However, such upgraded employees will continue to the existing jobs."

13. Again there is a cadre scheme for Store Personnel and NCWA-III and Annexure VIII-2 provides that a Store Issue Clerk in Grade-III will be promoted as Assistant Storekeeper in Grade-II. The mode of promotion will be through D.P.C. During the course of argument it was submitted by the learned counsel for the workmen that the concerned workman wants only regularisation and not promotion. It was also urged that the regularisation is not a promotion. The contention of the learned counsel may be appreciated that regularisation is not a promotion in strict sense of the term but definitely it provides a gateway for promotion to the higher post.

14. I have considered every aspect of the matter and in my considered opinion the concerned workman is entitled to be regularised and upgraded as Asstt. Storekeeper Grade-I with effect from 1-7-1989. The management is thus directed

to implement the award within two months from the date of publication of the Award.

This is my Award.

B. RAM, Presiding Officer

नई दिल्ली, 23 सितम्बर, 1993

का. आ. 2185 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, म. भारत कोकिंग कोल लिमि. की आकाशकिनारी कोलिरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-93 को प्राप्त हुआ था।

[सं. एस-11025/7/87/डी-4 (बी)]

एल.-20012/351/83-डी 3 (ए) आई आर (कोल-I)]

एच. सी. गोड़, डेस्क अधिकारी

New Delhi, the 23rd September, 1993

S.O. 2185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Akashkinaree Colliery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 21st September, 1993.

[No. S-11025/7/87-D.IV(B)

L-20012/351/83-D.III(A)]R(C.I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 21 of 1984 (Old)

Reference No. 17 of 1988 (New)

PARTIES:

Employers in relation to the management of Akashkinaree Colliery of M/s. Bharat Coking Coal Limited

AND

Their workmen.

APPEARANCES:

On behalf of the workmen—Shri S. N. Bhattacharjee, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 13th September, 1993

AWARD

The Government of India, Ministry of Labour & Rehabilitation, Department of Labour, New Delhi in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 had referred the following dispute to the then Central Government Industrial Tribunal No. 3, Dhanbad vide Ministry's Notification No. L-20012(351)/83-D.III(A), dated, the 4th April, 1984 and the same was registered there

as Ref. No. 21 of 1984. Subsequently vide Ministry's Order No. S-11025/7/D.IV(B) dated 31st December, 1987 the said reference was transferred to this Tribunal and the same is registered here as Ref. No. 17 of 1988.

SCHEDULE

"Whether the action of the management of Akashkinaree Colliery of M/s. Bharat Coking Coal Limited, in not providing employment to Shri Suresh Bhuiya since 8th July, 1976 without proving his misconduct is justified? If not, to what relief is the workman entitled?"

2. In this reference the action of the management of Akashkinaree Colliery of M/s. BCCL has been challenged in not providing employment to Shri Suresh Bhuiya since 8th July, 1976 without proving his misconduct.

3. The concerned workman has filed W.S. stating there that originally he had been working in the colliery as a stacker in Soft coke manufacture since before nationalisation and after nationalisation he was transferred to work as wagon loader. He stated to have worked continuously as wagon loader till 7th July, 1976. But all of a sudden without assigning any reason or giving any notice he was stopped from his work on and from 8th July, 1976 and since then he is sitting idle.

4. The concerned workman stated to have made several representations to the management but of no avail and ultimately he raised industrial dispute giving rise to the present reference. The concerned workman also claimed to be the member of C.M.P.F. having account No. C/3293.

5. During the conciliation proceeding the management took the stand that the concerned workman absented at his own accord without any permission or information and as such his name was struck off from the roll. The concerned workman denied emphatically that he ever absented from duty at his own accord. In this view of the matter it has been prayed for reinstatement to his original post with continuity of service and full back wages for the idle period.

6. The management on the other hand has resisted each and every stand of the concerned workman by filing separate W.S. It was contended that Suresh Bhuiya the concerned workman was although a casual wagon loader and he left his employment at his own accord in the year 1976.

7. The management took a policy decision to regularise the casual wagon loader who had put in 240 days attendance in a calendar year and in that process a good number of casual labours were made permanent. It was contended that the management has no right to compel the casual worker to regularly attend to his duties for his engagement was purely on daily wage basis depending upon the availability of the job also and the willingness on the part of the casual workers to do the job. The concerned workman stopped attending his duties and the management was not bound to take any disciplinary action against him only because he was a casual wagon loader. Apart from that the concerned workman did not put in 240 days attendance in any calendar year and as such he was not made permanent. In the circumstances it was stated that the concerned workman is not entitled to any relief and the Award be passed accordingly.

8. While giving parawise reply to the W.S. of the workmen it was stated that the concerned workman was never working as stacker prior to nationalisation. It was also incorrect to suggest that he was transferred as wagon loader after nationalisation.

9. In the circumstances of the case the point for consideration is as to whether the concerned workman is entitled for reinstatement in his original job with continuity of service and full back wages.

The concerned workman claims to have been working as stacker from before nationalisation and after nationalisation he was stated to have been transferred to work as wagon loader. It is his case that he worked continuously as wagon loader till 7th July, 1977 and all of a sudden he was stopped from 7th July, 1976. The management on the other hand has stated that he was although a casual wagon loader and he left his employment of his own accord.

10. The concerned workman has got no paper to show that he ever worked as stacker. The management filed photo copy of the identity card register Ext. M-1 wherein he has been shown as casual wagon loader. His date of employment has been noted as 4th April, 1973. Column 9 of the document shows that he was not a member of C.M.P.F. for no account was opened in his name. However, in para-5 of the W.S. the concerned workman has stated that he was a member of C.M.P.F. having account No. C/3293 but he was wrong in his statement. This number has been stated under the ext. as Identity Card Number. No document has been filed on his behalf to show that he was having any C.M.P.F. account number. At this stage the learned counsel for the workmen submitted that the management should have produced attendance register wagesheets and Bonus register to ascertain whether the concerned workman worked regularly as casual wagon loader or not. It was also pointed out that all those documents were called for from the employer management but they were not filed. However, the learned counsel for the management urged that the dispute was raised after about 8 years and the document of that period either were destroyed or disposed off. It was pointed out that only the identity card and Bonus Register can be made available which were filed. Shri Surendra Singh, MW-1 has stated that he has no knowledge as to whether the attendance register for the period 1976 and onward was available with the management or not. I find that the workmen has taken a plea that he made several representations to the management but it was of no avail. Surprisingly enough not a single copy of the representation has been filed to show that he since after his stoppage was vigilant and representing his case before the management. In absence of any such document normal presumption would be that he slept over the matter and raised industrial dispute after 8 years.

11. It is the case of the concerned workman that he was stopped all of a sudden without any notice. The management has to say that he left suo moto and fled away. The question will arise as to whether any action was needed against the concerned workman by the management in either case. The witness have been examined on behalf of the workmen to state that he was stopped by the management. WW-1 Jaiwa Bhuini has stated that she was working in Akashkinaree Colliery since before the nationalisation as Wagon Loader. She knew the concerned workman who was also doing as Wagon Loader. This fact has been also stated by WW-2 Lakhna Bhuia. From the evidence of these two witnesses it is well established that the concerned workman was never working as stacker. He himself stated while deposing as WW-3 that he was working as Wagon Loader from before nationalisation. He never stated that he ever worked as stacker. WW-2 Lakhna Bhuia state that the concerned workman was working as Wagon Loader. He was made permanent in due course of time but Suresh Bhuia was not made permanent. The evidence is suggestive of this fact that this witness and the concerned workman were working as casual wagon loader. The statement of the management in the W.S. that as per policy decision the management regularised a number of casual wagon loader can not be disbelieved. From the evidence of this witness the simple inference would be that the management followed its policy decision and the casual wagon loader who had completed 240 days attendance were regularised. Since the concerned workman had failed to qualify the days he was not made permanent. Prima facie there can be no earthly reason as to why the concerned workman will be left out when he had already completed 240 days attendance in a year. The concerned workman does not possess any document to show that he continuously worked for 240 days in a calendar year. In this connection the reference can also be made to the Bonus Register. The management has produced Bonus Register in original for the year 1974-75, 76 and which have been marked Ext. M-2, M-2/1, M-2/2 respectively. It will be relevant to note that the register for the year 1974 and 76 have been completely eaten away by the white ants. In the Bonus Register for the year 1975 the name of the concerned workman can be found at page 50. For the purpose of Bonus his attendance for all the four quarters has been noted. In the first quarter the attendance was nil. In the second quarter he had worked for 30 days only and in the third and fourth his attendance was 29 days and 12 days respectively. In this way the total attendance during the year 1975 comes to 71 days. Actually his poor attendance disqualified the concerned workman and he was

not regularised. MW-1 stated that other register will also say the poor attendance of the concerned workman.

12. From the discussions made above it is now almost made clear that the concerned workman was working as casual wagon loader. His poor attendance further proves that he was very irregular in his attendance and was not taking any aptitude in doing regular work. Actually the total attendance of 71 days in a year will simply suggest that he was quite disinterested in doing job and in the circumstances the normal and natural inference may be drawn that he has stopped suo moto. Now the question will arise as to whether the management was obliged to issue any notice or the charge sheet in case of any casual workman under the Certified Standing Orders. The workman has been classified in six categories including the casual under clause 7.1. The word "stoppage" is very significant which means termination of service and it finds reference under clause 24.1 in the Certified Standing Orders for the workmen of establishment of BCCI wherein a clear distinction seems to have been made in regard to the permanent and casual workman. Clause 24.2 reads as follows :—

"Subject to the provisions of the Industrial Disputes Act 1947, no notice of termination of employment shall be necessary in the case of probationers, temporary badli and casual workman. Provided that a temporary workman who has completed three months continuous service shall be given two weeks notice of the intention to terminate his employment, if such termination is not in accordance with the terms of the contract of his employment."

From the provision it is quite manifest that no notice of termination shall be necessary in case of temporary, badli and the casual workman. Since the concerned workman was casual wagon loader the management was not obliged to issue any notice.

13. I have considered every aspect of the matter and in my considered view the concerned workman can not be reinstated since the question of reinstatement does not arise. However, the management will re-employ the concerned workman as casual wagon loader and his case for regularisation will be considered only after completion of 240 days attendance in a year. In view of the facts stated there will be no question of any back wages and the continuity of service. The concerned workman was responsible for not raising dispute in time and was sitting idle over the matter for a complete 8 years. The management is thus directed to implement the award within two months from the date of publication of the Award.

This is my Award.

B. RAM, Presiding Officer

नई दिल्ली, 23 सितम्बर, 1993

का. आ. 2186 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. की भौरा नार्थ कोलियरी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-93 को प्राप्त हुआ था।

[सं. एल-24012/25/87-डी-4 (बी) आई आर (कोल)-I]

एच. सी. गौड़, डेस्क अधिकारी

New Delhi, the 23rd September, 1993

S.O. 2186.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the An-

nexure in the Industrial Disputes between the employers in relation to the management of Bhowra North Colliery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 21-9-93.

[No. L-24012(25)/87-D.IV(B)/IR(C-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer,
In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 302 of 1987

PARTIES :

Employers in relation to the management of Bhowra North Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—None.
On behalf of the employers—Shri H. Nath, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 15th September, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(25)/87-D.IV(B), dated, the 4th December, 1987.

SCHEDULE

"Whether the action of the Management of Bhowra (North) Colliery of M/s. Bharat Coking Coal Ltd., P.O. Bhowra, Distt. Dhanbad in denying regularisation to Smt. Balika Bourin, Sohagi Kamin, Gulabi Sahish and Rasona Majhiyan when they have been working for the last about 3 years as Cap Lamp Cleaning Mazdoor is legal and justified? If not, to what relief the concerned workmen are entitled?"

2. The present reference is pending since the year 1987. The record reveals that one Shri H. Nath has appeared for the management and Shri K. Chakravorty for the workmen. They had put in their appearance in the year 1992. Subsequently they left doing pairvi and ultimately on 28-6-93 notices were issued for filing W.S. Even then none appeared nor any petition was filed on behalf of either party. I further find that notices were issued also for the second time in June, 1993 still nobody appeared. This shows that parties are not interested in pursuing the matter and hence a 'No dispute' Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 23 सितम्बर, 1993

का. आ. 2187:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. की सुदाम-डीह क्षेत्र के प्रबन्धन के संबंध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचाद

को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-9-93 को प्राप्त हुआ था।

[सं. एन-200121/22/85-डी III(ए) आई आर (कोल I)]

एन. सी. गौड़, डेस्क अधिकारी

New Delhi, the 23rd September, 1993

S.O. 2187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 11) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sudamdih Area of M/s. B.C.C.L. and their workmen which was received by the Central Government on 23-9-93.

[No. L-20012/122/85-D.III(A)/IR(C-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer,

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 159 of 1985

PARTIES :

Employers in relation to the management of Sudamdih Area of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. C. Majumdar, the concerned workman.

On behalf of the employers—Shri B. B. Singh, Legal Assistant.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 15th September, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(122)/85-D.III(A), dated, the 22nd November, 1985.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Sudamdih Area General Manager's Office of M/s. Bharat Coking Coal Ltd. should upgrade Shri S. C. Majumdar Sr. Draughtsman as Chief Draughtsman and protect his pay scales with changes in his pay scale from time to time as Sr. Draughtsman is justified? If so to what relief is the concerned workman entitled and from what date?"

2. This reference is pending since the year 1985. From the record I find that sometimes Shri R. S. Murthy had been making pairvi on behalf of the management and Shri S. Bose representing for the workman. The parties had also filed respective W.S. but the hearing of the case was not taken up till the last date. It appears that only on the last date i.e. on 13-9-93 Shri S. C. Majumdar, the concerned workman filed a petition stating therein that he has already

been promoted as Chief Draughtsman with effect from 1-6-89 and that he had no interest to proceed with the dispute. He requested that the Court be pleased to drop the proceeding. A copy of the petition was served upon the Legal Assistant, Sudamdih Area.

3. The schedule of the reference will also disclose that it was the RCMS union which had been demanding promotion of the concerned workman as Sr. Draughtsman, I find no reason as to why this petition of the concerned should not be allowed. In the result, a 'No dispute' award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 22 सितम्बर, 1993

का. आ. 2188 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक ऑफ महाराष्ट्र के प्रबन्धन के संरक्षित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-93 को प्राप्त हुआ था।

[संख्या एल-12012/142/87-डी-2ए]

बी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 22nd September, 1993

S.O. 2188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 20-9-1993.

[No. L-12012/142/87-D.I.A.]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. I AT BOMBAY

Present :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-1/76 OF 1991

Parties :

Employers in relation to the management of Bank of Maharashtra.

AND

Their workmen.

Appearances :

For the Management : Shri Vojhala, Asstt. Manager (Personnel).

For the Workman : Shri Sahasrabudde, Representative.

INDUSTRY : Banking

STATE : Maharashtra

CAMP : Nagpur

Nagpur, dated the 20th day of August, 1993.

AWARD

The Government of India, Ministry of Labour has by order dated 16-9-1991 made the following reference to this

Tribunal for adjudication under Section 10(i)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Bank of Maharashtra, Nagpur justified in stopping payment of CCA etc. to staff of Hingana Industrial Estate Branches as per the rates applicable to Nagpur Staff ? If not, to what relief the workmen concerned entitled ?"

2. The parties have filed their respective statements.

3. The workmen represented by the Union of the Maharashtra Bank Employees, through its Dy. Secretary has given the back-ground of the dispute. The Bi-partite settlements between the Union and the management of the Bank, govern the service conditions of the employees. The Bi-partite Settlements provide for payment of City Compensatory Allowance and House Rent Allowance (C.C.A. & H.R.A.).

4. The Reserve Bank of India, authorised the Bank of Maharashtra to open a branch at Nagpur at the Hingana Industrial Estate under section 23 of the Banking Regulations Act, 1949 by letter dated 11th December 1971. As a result, a branch office of the Bank of Maharashtra came to opened at the Hingana Industrial Estate, at some distance from Nagpur. The employees of the Hingana Industrial Estate branch were getting CCA on the basis of the 1981 Census on par with the employees working at Nagpur Branch. However, the management gave a notice under section 9-A on 10th March 1987 withdrawing this CCA and HRA with effect from September 1989. The employees objected to it and therefore, the present dispute arose.

5. The Union which has espoused the cause has filed its statement of claim, and the same has been replied to, by written statement filed on behalf of the management.

6. The Union states that the Bi-partite Settlements between the Union operating in the Bank and the Management of the Bank of Maharashtra inter-alia govern the service conditions of the employees. The Bank of Maharashtra has been categorised as 'A' Class Bank. The employees are entitled to CCA and HRA as per the Bi-partite Settlement. These allowances are to be given to the employees and accordingly on the basis of the census figures of 1981, the employees of Hingana Industrial Estate (HIE) branch were given the allowance, which came to be withdrawn by the Bank management with effect from September 1989. This, according to the Union was not justified. At any rate, it is contended that the recoveries made for the period between 1987 and 1989 was not permissible.

7. The management contended Hingana where a branch situate is not a part of Nagpur City, but it is a village with a population of 7,100 only. The management further contended that it is not included in the Urban Agglomeration, and therefore, the Indian Bank's Association pointed out to the Management that the payment of CCA was impermissible. It is therefore withdrawn and recovery made. It was further contended that the remedies have not been exhausted and that this Tribunal has no jurisdiction to entertain the present reference.

8. I have heard Mr. Mohan Vojhala, on behalf of the Management and Mr. Sahasrabudde for the Union.

9. There is no dispute on the point that employees are entitled to CCA under Bi-partite Settlements. Chapter III of the first Bi-partite Settlement arrived at on 19-10-1966 deals with categorisation of areas. 3.1 mentions areawise classification of different places in the country for wages and other monetary benefits. It says that ;

Areawise classification shall be retained and the places in the country shall be classified into 3 areas on the basis of population. Clause 3.2 says that; in supersession of paragraph 4.189 of the Desai Award, Areas A-7B and C will comprise of the places mentioned, area C being a residuary area comprising all other places not included in I & II. Clause XIV says all other places with population of 12 lakhs. In 1981, the census figures showed population in excess of 12 lakhs so far as "Nagpur" is concerned. It is on the basis of this, the CCA came to be paid to the employees of the HIE branch the union has produced at exhibit (A) letter/circular dated 14-10-1983 making reference to the

1981 census figures of population and Bi-partite Settlement. The circular stated that CCA is payable at special places, semi special places and places with a population of more than 12 lakhs. With this, list of branches coming under this category is given under annexure-I.

10. Annexure-I gives under the head Maharashtra, 14 branches and Hingna Industrial Estate (HIE) branch is mentioned at serial No. 9. As a result of this circular, the employees of this Branch started getting CCA with effect from 01-03-1981. Another circular dated 28/31-10-1983 specifically mentions that as a result of 1981 census, Pune and Nagpur cities stands upgraded to Area-I, and CCA has become payable at these centres. Thereafter, again under the head Nagpur, HIE branch is shown at Sl. No. 9. The trouble arose when the Bank gave notice of change in the service conditions. (Anx-E' of the documents produced by the Bank)-and informed that the CCA paid to the employees working in HIE branch will be discontinued from 16-04-1987 as HIE was not included in the Nagpur Urban Agglomeration as per census, in accordance with guidelines given by the Indian Bank's Association and also as per the provisions of the Bi-partite Settlements. It appears that this came to be challenged by a writ petition which later on came to be withdrawn. However, pending petition, the employees continued to receive CCA as earlier.

11. The point that has been raised on behalf of the management is that the CCA has been wrongly paid to the employees and it was not possible to continue to pay the same, and the reason assigned was that the HIE branch was not situated within the Nagpur Urban Agglomeration, the population of which went beyond 12 lakhs in 1981. I am unable to see how and why this concept of Nagpur Urban Agglomeration is brought in. Desai Award, Clause No. 4, 189 categorised the areas and while doing so, area I comprised of city of Bombay including Greater Bombay, (2) City of Calcutta including Howrah, Barrackpore, Behala, Alipore, Cassipur, Garden Reach, Baranagore, Tollygunge, South Suburban Municipal Area and Dum Dum, (3) City of Delhi including the New and Old Delhi and Delhi Shahdara, (4) City of Madras, (5) City of Ahmedabad, (6) City of Hyderabad comprising areas falling within the Hyderabad Municipal Corporation limits, Secunderabad, Secunderabad Cantonment and outlying urban units being University Area, Malkajgiri, Atwal, Zamistapur, Attapur, Fathnagar, Bowenpalli, Lalaguda, Kundikal and Machabulurum, (7) Bangalore comprising areas falling within the Bangalore Corporation limits, area notified under the Bangalore City Improvement Trust Board Act, excluding satellite townships and satellite towns within the Trust Board area, (8) Kalyan, (9) Thana, and (10) Uranpara and all places which may have a population of more than twelve lacs. This was superseded by section 3.2 of the Bi-partite settlement of 1966, and in supersession, Chapter 3.2 mentions various places and in item No. XIV, it stated all other places with a population of more than 12 lakhs. Area-II will comprise of cities other than those stated under Area-I, and which has a population of more than one lakh. Therefore, the words used in the Desai Award as well as in the Bi-partite Settlement of 1966 is "places". Wherever, it wanted to make a reference to specific areas covered by the Municipal Corporations, districts, Cantonment Boards, or areas covered by Improvement Trusts, it specifically stated so. While saying in item No. XIV, "all other places," it did not so. Therefore, the application of the doctrine of Urban Agglomeration is in my opinion mis-placed and unjustified. When the management started giving the allowances, it in my opinion, rightly considered HIE branch as included in "place" as one of the places covered by item No. 14 of the clause 3.2 of Bi-partite Settlement. It is to be remembered that Clause 3.4 mentions that classifications of areas as provided in Clause 3.2 is made as a result of the review, based on the population figures of towns with population of 30,000 and over as on 31-12-1986, published by the Registrar General of India, in the Gazette of India and also on due consideration of compelling special factors and peculiar conditions prevailing in certain places. Therefore, not only the census figures, but also other factors and peculiar conditions prevailing in certain places is to be taken into account for categorisation of areas. It appears to have been rightly done when the circular of 1983 was issued and this branch was included.

12. The union has adduced material to show that the HIE branch was considered to be a part and parcel of Nagpur, by the management. For that purpose, the Union has produced a letter dated 18-07-1990 addressed to Mr. S. C. Sangodey in reply to his representation. It was stated therein that HIE branch not being rural branch, his tenure at that branch cannot be considered as rural service. When transfers were requested for to Nagpur, the management wanted to consider HIE branch as a place of posting. One such letter is addressed by Mr. Malkhani to the Bank on 11-04-1981, and reply thereto by the Bank dated 17-05-1982. When he asked for transfer to Nagpur, he was posted at Hingna Industrial Estate Branch, and when he made a grievance about it, he was told by the Bank that if it was not agreeable to him to work in the HIE branch, he was to be re-posted to the place from where he was transferred. These are some of the instances pointed out on behalf of the Union to show that the management considered HIE branch as a branch within Nagpur. This has to be read with the provisions stipulated under the Industrial Disputes Act. That a request for transfer to a particular branch is not to be made but a particular place is to be made. When read with this, the earlier correspondence, entered into between the Bank and the employees shows that they considered HIE branch as at the same place as other branches in Nagpur. Yet another chart is produced at Exh. 'N' which shows that as against HIE branch, it mentions as "METRO" and it was also pointed out by the Union that the Management treated its HIE branch as Urban Centre for the purpose of calculation of interest on Central Office balances, and this is done by letter dated 14-12-1988, by the Regional Manager addressed to the Branch Manager. It was in my opinion, rightly considered as the 'place', and the term 'place' has many connotations. In this issue, the expression 'place' refer to the place where HIE branch is situated.

15. It has been also pointed out that the employees of the State Bank of India branch situated near-by are getting the CCA which was paid to the employees of the Bank of Maharashtra earlier. The documents show that yet another Bank, which is a part of the Association (IBA) who have been allowed to pay to its employees higher rate of CCA. However it was urged that it was because of the writ petition filed by the employees of the Hingna Industrial Estate branch. Apart from that, the point is whether the Management of Bank of Maharashtra was justified in stopping the payment of CCA which was paid to its employees in that branch, and my answer would be in the negative. I find that the Management has been relying upon the Bi-partite Settlement, and to which I have made a reference. The Management in its written statement, has also used the word "Place", and it is left to the Bank to rely upon the point of population of the place where a branch is situated. However, it is not applied correctly in the present case. It has imported the notion of Urban Agglomeration, which is in my opinion, against the Bi-partite Settlements. As stated earlier, it has mentioned Corporation Cantonment, and Improvement Trust Areas etc., but nowhere "Agglomeration". By virtue of this, they have extended the benefit of Higher CCA to its branches in Kalyan and Kampti Cantonment which has a population of about 6,700 and 15,000 respectively. During the course of the argument, it was pointed out by Mr. Mohan Vojhala, that the employees of the Badlapur branch are also getting the benefits of CCA, though not having a population of 12 lakhs. These kinds of problems are bound to occur if such tests are applied and that too not uniformly. I am, therefore, of the view that the Management was not justified in stopping the payment of CCA to the employees of HIE branch as per the rates applicable to the employees working in the Nagpur branch. They are therefore, entitled to the benefits of CCA with effect from September 1980, and recovery if any made by the Bank for the earlier period, on that account, is also unjustified.

14. Though the point of jurisdiction was raised in the written statement, no arguments have been advanced in this behalf. I would however, mention that it was argued that remedy contemplated by section 36-A of the Industrial Disputes Act, 1947 was not exhausted. I am not convinced that the provisions of section 36-A are attracted. This is a power given by the Government in case of any difficulty or doubt as to the interpretation of any award of settlement to refer the question to a Labour Court or a Tribunal. Even if it be so, this is a reference made to this Tribunal and can be considered as one under section 36-A of the Industrial

Disputes Act. This is a reference under section 10(1)(d) of the Act, and this Tribunal has jurisdiction to deal with the same. The list in the 3rd schedule governs this aspect.

15. In view of the above discussion, I am of the view that the employees working at Hingna Industrial Estate branch are entitled to CCA and HRA at the same rates at which they are being paid to the employees working in the other branches at Nagpur. Recovery if any, made from them shall be refunded.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 22 सितम्बर, 1993

का.अ. 2189.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिनियम, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-93 को प्राप्त हुआ था।

[संख्या एन-12012/597/86-डी II(ए)]

एस. एस. के. राव, डेस्क अधिवक्ता

New Delhi, the 22nd September, 1993

S.O. 2189.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management State Bank of India and their workmen, which was received by the Central Government on 20-9-93.

[No. L-12012/597/86-D.II(A)]

S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 4th day of September, 1993

Industrial Dispute No. 41 of 1987

BETWEEN

Joseph Isreal, S/o Hari Joseph,
H. No. 11-3-430, New Mallepalli,
Hyderabad.

.. Petitioner.

AND

STATE BANK OF INDIA,
Hyderabad.

.. Respondent.

APPEARANCES :

Sarvaari P. Sambasiva Rao and B. Kalukara Rao,
Advocates—for the Petitioner.

M's. K. Srinivasa Murthy and G. Sudha, Advocates
—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12012/597/86-D.II(A) dt. 31-8-1987 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employer in relation to the Management of State Bank of India and their workmen to this Tribunal for adjudication :

"Whether the action taken by the Management of State Bank of India, Hyderabad in discharging Sri I. Joseph, Messenger from services of the said Bank w.e.f. 27-1-1983 is justified ? If not, to what relief the workmen concerned entitled ?"

This reference was registered as Industrial Dispute No. 41 of 1987 and notices were issued to the parties.

2. The brief facts of the claim statement filed by the Petitioner-Workman read as follows :—The workman in this case joined the service of the State Bank of India as a Messenger on 25-8-1972 and he has been working in a Head Office, in O & M Department, on 7th July 1978 this workman under instructions from his superior officer Sri C. S. Chandramouli, Officer Grade-I O & M Department received a cheque No. 628247 dt. 19th June, 1987 for Rs. 38.33 and cashed it as advised by the said officer and paid back the money to the officer. After the above said day the workman could not attend the office because he was sick and he paid the money after he came back from sickness. It is wrong to state that this workman encashed the said cheque at Hyderabad Main Branch of State Bank of India without the knowledge of the said officer. On the said cheque before encashment the signature of the said officer can also be seen along with the signature of the workman while taking the cash from the State Bank of India. It is false to allege that the workman misappropriated the amount of the cheque. Later the workman was asked to submit his explanation framing charges against him for the misappropriation of the above said amount and the workman submitted his explanation to the Department denying all the allegations and charges levelled against him. The enquiry officer conducted the enquiry on 14-11-1979, 12th & 13th August and 3rd to 5th September, 1981 and the Enquiry Officer found the workman guilty of charge on baseless grounds. The workman submits that because of the following grounds, the allegation of the State Bank of India against the workman in regard to the misappropriation of funds is bad and baseless and therefore illegal. The allegations made by the State Bank of India against the workman regarding misappropriation are not based on correct facts and they have not verified the real situation are produced proper eye witnesses to support their allegation. The Officer Mr. C. S. Chandramouli was not called before the Enquiry Officer to give evidence with regard in this case and unless the evidence of the said officer is recorded the enquiry cannot be said to be complete and it is vitiated. It is not a fact that the workman had done any forgery of the signature of Mr. Chandramouli and in the case of forgery the opinion of the handwriting expert also cannot be the correct evidence for purposes of the judicial decision. In view of the above the termination order passed by the State Bank of India against this workman is highly illegal. It is prayed that the Hon'ble Court may be pleased to reinstate the workman with back wages.

3. The brief facts of the counter filed by the Respondent-Bank read as follows :—It is true that the Petitioner was working as Messenger, O&M Department in local Office, at Hyderabad. It is submitted that this petitioner while he was working as Messenger in O&M Department, he received a cheque bearing No. 628247 of the 19th June 1978 from Office Manager's Department and the said cheque was given in the name of Sri. C. Chandramouli an Officer Grade-I. In normal course he was supposed to handover the cheque to Sri C. S. Chandramouli. Instead of doing so having received the same he forged the signature of Sri C. S. Chandramouli encashed and appropriated the said amount for himself. The Respondent Bank issued charge sheet on 18-9-1978 for encashing the bank cheque by the Petitioner. This petitioner submitted reply denying the charge. As the Bank was not satisfied with the explanation conducted domestic enquiry appointing Sri Ramabalu as Enquiry Officer. The allegation that the petitioner was sick and he could not pay money immediately and paid back the same subsequently is not correct. It is submitted that Sri Chandramouli complained to the Bank stating that Sri Joseph signed for himself and also for Sri Chandramouli and misappropriated the amounts. Only after the receipt of the said information management verified and then issued charge-sheet. The allegation that he encashed with the knowledge of the said officer is not correct. The alleged signature of the officer which this petitioner is contending

that it was signed by Sri Chandramouli is not correct. The allegation that respondent bank has not brought out correct facts and real situation for proving the allegation of misappropriation and that proper eye witnesses were not produced to support the allegation is not correct. The contention that Sri Chandramouli ought to have been called as a witness otherwise the Enquiry is bad in law is not correct. The allegation that the charge was decided unilaterally is not correct. There is enough evidence to prove the case. The allegation that he had not done forgery is not correct. Taking advantage of his routine duties he had chosen to receive the cheque and forged the same and appropriated the amount for himself. The Petitioner is not entitled either for back wages or for reinstatement.

4. W.W1 the Petitioner-workman himself was examined and no documents were marked on his side. On the other hand M.W1 and M.W2 were examined on behalf of the Respondent-Bank and marked Exs. M1 to M11.

5. This Tribunal decided the validity of domestic enquiry as a preliminary issue before going into the merits of this case, by an Order dt. 8-7-1993 holding that the domestic enquiry conducted by the Management is not vitiated.

6. The point for adjudication is whether the action taken by the Respondent in discharging Sri I. Joseph Messenger from services of the said Bank w.e.f. 27-1-1983 is justified?

7. W.W1 is I. Joseph the concerned workman. He deposed that he is the Petitioner herein. He worked as Messenger in State Bank of India, Hyderabad from 1972 to 1983, and he worked under Sri P. Kotiah, the Manager of O&M Department, State Bank of India in the Head Office at Hyderabad. There is one Sri Chandramouli working in the same office as Grade I Officer. Ex. M11 cheque was given by Sri C. S. Chandra Mouli to him and asked him to encash the amount and to give him. So he took Ex. M11 cheque and presented to the concerned Clerk and withdrew the amount on the date of the cheque in Ex. M11 but he did not handover the amount to Sri C. S. Chandra Mouli on the same day and he handed over the amount to him about 10 days thereafter, as I was absent from attending the duty during that period as his uncle was unwell. Ex. M11 is Banker's cheque and he did not know whether it relates to his personal account or official account of the Bank. He was not examined by the Enquiry Officer during the domestic enquiry. He attended the domestic enquiry. Sri C. S. Chandra Mouli was also not examined by the Enquiry Officer during domestic enquiry.

8. M.W1 is Podada Rami Naidu. He deposed that he is working as Chief Instructor State Bank of India Staff Training Centre, Vizianagaram and worked at Hyderabad during 1982-83 upto 1985 he was at Hyderabad. He was appointed as Enquiry Officer for conducting the enquiry against the workman I. Joseph.

9. The contention of the Petitioner-workman is that on 7th, July, 1978 the Petitioner-workman under the instructions from his superior officer Sri C. S. Chandramouli, Officer Grade I, O&M Department received a cheque dt. 19th June 1978 (Ex. M1) for Rs. 38.33 and he cashed it as was advised by the said officer and paid back the money to the officer but late as on the said day the workman could not attend office on account of his sickness and stated that it is wrong to say that the workman encashed the said cheque at Hyderabad Main Branch of State Bank of India without the knowledge of the said officer. Further contended that the said cheque before encashment the signature of the said officer can also be seen along with the signature of the workman while taking the cash from the State Bank of India. Later the workman was asked to submit his explanation framing charges against him for the misappropriation of the above said amount and the workman submitted his explanation to the Department denying all allegations and charges levelled against him.

10. On the other hand the Management argued that the Petitioner while he was working as Messenger O&M Department, received a cheque dt. 19th June, 1978 from Office Manager's Department and he was supposed to handover the cheque to Sri C. S. Chandramouli, instead of doing so

having received the same he forged the signature of Sri C. S. Chandramouli encashed and appropriated the said amount for himself. The Respondent issued a charge sheet on 18-9-1978 and the Petitioner workman submitted reply denying the charge. Then a domestic enquiry was conducted against the petitioner proving the charges.

11. At the very outset, the Respondent Management has filed documents Exs. M1 to M11. A perusal of these documents would show that the explanation of the Petitioner-workman was notified along with the documents filed in this Tribunal. May be that explanation of the Petitioner-workman would throw some light in regard to the forgery committed by the Petitioner-workman. The other important aspect in this case is that the complainant C. S. Chandra Mouli has given a complaint to the Office Manager, State Bank of India, Hyderabad against the Petitioner-workman. That original complainant (Ex. M5) letter was not filed before this Tribunal so as to enable this Tribunal to see whether the signature of the Complainant C. S. Chandra Mouli tallies with the signature of C. S. Chandra Mouli on the alleged cheque Ex. M11. It is pertinent to note that the Officer Sri C. S. Chandra Mouli was not examined before the Enquiry Officer to prove the alleged forgery committed by the Petitioner-Workman. So I find that the Respondent-management has not substantiated its case by not filing the original document of Ex. M5 and the explanation given by the Petitioner-workman to prove that the Petitioner workman has committed any forgery. This Tribunal is left with no alternative except to order reinstatement of the Petitioner-workman into service.

12. The Respondent-Management cited three decisions in support of their case. (1) Eastern E&T Co. v. Baldevlal (1975 AIR, S. C. page 189) (2). The Divisional Manager United India Insurance Co. Ltd. v. T. Radhakrishna Murthy (1983 (II) APLJ page 13 Short Notes). 3. Workman v. Firestone Tyre & Rubbers Co. (AIR 1973 S. C. page 1227). When once the charges are not proved by the Respondent-Management, the question of citing the above judgements does not arise. Hence the above three decisions cannot be looked into.

13. In the result, the action taken by the management of State Bank of India, Hyderabad in discharging Sri I. Joseph, Messenger from service of the said Bank w.e.f. 27-1-83 is not justified. The workman Sri I. Joseph is entitled to reinstatement into service with full back wages and all attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 4th day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined
for the Petitioner :

W.W1 I. Joseph.

Witnesses Examined
for the Respondent :

M.W.1 P. Ram Naidu.

M.W.2 T. Nagendera Prasad.

Documents marked for the Management.

Ex. M1 5-6-81—Order dt. 5-6-81 show cause notice cum charge sheet appointing P. Rami Naidu as Enquiry Officer.

Ex. M2 29-6-81.—Enquiry Notice dt. 29-6-81.

Ex. M3 29-6-81.—Enquiry Proceedings.

Ex. M4 29-6-81.—Enquiry Report.

Ex. M5 17-7-78 by consent.—Copy of the complaint dt. 17-7-78 made by C. S. Chandra Mouli Officer Gr. I to the office Manager, State Bank of India, Hyd. LHO against I. Joseph, Messenger.

Ex. M6 18-9-78 by consent.—Charge sheet dt. 18-9-78 issued to I. Joseph by the Regional Manager, Region V and Disciplinary authority.

Ex. M7 12-10-78 by consent.—Letter dt. 12-10-78 addressed by I. Joseph, to the Regional Manager Re-

gion V and Disciplinary authority, State Bank of India, Local Head Office, Bank Street, Hyd. requesting for extension of time to submit explanation.

Ex. M8 by consent.—True copy of the explanation dt. NIL submitted by I. Joseph to the Regional Manager, & Disciplinary authority Region V State Bank of India, Hyderabad L.H.O.

Ex. M9 3-5-79 by consent.—Order dt. 3-5-79 of the Regional Manager, Region II State Bank of India, Disciplinary Proceedings Cell, Local Head Office, Hyd. appointing A. Kumaraswamy as Enquiry Officer.

Ex. M10 29-8-79 by consent.—Order dt. 29-8-79 the Regional Manager, Region II and Disciplinary Authority appointing W. Radhakrishnaiah as Enquiry Officer.

Ex. M11 19-6-78.—Cheque No. 628247 dt. 19-6-78 for Rs. 38.33 Ps. in the name of C. S. Chandra Mouh. Documents marked for the Petitioner.

NIL

नई दिल्ली, 27 सितम्बर, 1993

का.आ. 2190.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी बैंक ऑफ राजस्थान लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पक्षपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-93 को प्राप्त हुआ था।

[संख्या एन-12012/33/88-डी-IV (ए)]

एस. एस. के. राव, डेस्क अधिकारी

New Delhi, the 27th September, 1993

S.O. 2190.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of the Bank of Rajasthan Limited and their workmen, which was received by the Central Government on the 24-9-93.

[No. I-12012/33/88/Div(A)]
S. S. K. RAO, Desk Officer

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज.

निर्देश प्रकरण क्रमांक : ओ. न्या. (केन्द्रीय)-4/1988

दिनांक स्थापित : 26/7/88

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क्रमांक एफ. 12012/33/88-डी-4(ए)

औद्योगिक विवाद अधिनियम, 1947

मध्य

सुरेश कुमार काथालिया, काथालिया भवन डाकघर बड़ी सादरी जिला चित्तौड़गढ़।

—प्रार्थी श्रमिक

एव

क्षेत्रीय प्रबंधक, दी बैंक ऑफ राजस्थान लिमिटेड गुभाय नगर, अजमेर रोड, भीलवाड़ा/राज./1

—प्रतिपक्षी नियोजक

उपस्थित

श्री जगदीश नारायण शर्मा,

आर. एच. जे. एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री एन. के. तिवारी
प्रतिपक्षी नियोजक की ओर से : कोई उपस्थित नहीं
अधिनिर्णय दिनांक : 7 अगस्त, 1993

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तबुपरान्त "अधि-नियम, 1947" में संशोधित किया जावेगा) की धारा 10 (1)(घ) व उपधारा (2-क) के अंतर्गत हम न्यायाधिकरण को अधिनिर्णयार्थ संप्रेषित किया गया है :—

"क्या बैंक ऑफ राजस्थान के प्रबंधन की श्री सुरेश कुमार काथालिया की 12/12/79 से सेवाएं समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किम अनुतोष का हकदार है?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना भिजवाई गयी। अपने क्लेम स्टेटमेंट में प्रार्थी श्रमिक सुरेश कुमार द्वारा कहा गया है कि उसे क्षेत्रीय प्रबंधक, दी बैंक ऑफ राजस्थान लि., मुभाय नगर अजमेर रोड, भीलवाड़ा (जिसे तबुपरान्त "प्रतिपक्षी नियोजक/विक से संशोधित किया गया है) द्वारा दिनांक 19/6/78 को लिपिक के पद पर नियोजित किया गया था और उसने 28/3/81 तक अस्थायी तौर पर लिपिक का काम किया और 29/3/81 से उसे नियोजक ने स्थायी रिक्त पद होने के बावजूद नौकरी से हटा दिया। इस अवधि में वह 240 दिन में अधिक काम कर चुका था और उसे नौकरी से हटाने के पूर्व अधिनियम, 1947 की धारा 25-एफ के अंतर्गत नोटिस बतन या छंटनी का मुआवजा नहीं दिया गया। उसे नौकरी से हटाया उस समय उससे कनिष्ठ कई अन्य श्रमिक भी नियोजक के नियोजन में मौजूद थे, इस तरह अधिनियम की धारा 25-जी की भी अवहलना की गयी तथा उसे हटाने के बाद कई नये श्रमिकों को नियोजित किया है। क्लेम के पैरा संख्या 9 में श्रमिक ने अपने से कनिष्ठ व्यक्ति मुकुंदराज जैन, भारत भूषण आदि नाम के व्यक्ति बताये हैं जो श्रमिक को नौकरी से हटाने के दिन नियोजक के नियोजन में थे तथा उसे हटाने के बाद नारायणलाल अग्रवाल, सीताराम सोमानी, भंवर सिंह राठौड़ व नरेन्द्र सराफ को नौकरी में नियुक्त करना भी बताया गया।

3. प्रतिपक्षी नियोजक को नोटिस की तामील करवाई गयी परन्तु नोटिस की तामील के बावजूद उनकी ओर से कोई उपस्थित नहीं हुआ, अतः उसके विरुद्ध दिनांक 27-4-89 को एकपक्षीय कार्यवाही की गयी।

4. एकपक्षीय कार्यवाही में श्रमिक ने स्वयं का शपथ-पत्र प्रस्तुत किया है जिसमें उमंग कहा है कि दिनांक 19-6-78 से 28-3-81 तक प्रतिपक्षी के यहां निरंतर कार्य किया और उसे हटाने के पूर्व नोटिस अथवा नोटिस बतन व मुआवजा

नहीं दिया गया। उसने क्लेम में वर्णित उपरोक्त व्यक्तियों के नाम भी गणपथ-पत्र में अंकित किये हैं जो उसमें कनिष्ठ होने के बावजूद नियोजक के नियोजन हैं मौजूद थे और कुछ व्यक्तियों को उसके हटाने के बावजूद भर्ती किया गया। इस माध्यम का प्रतिपक्षी की ओर से कोई खंडन नहीं है, अतः श्रमिक ने यह सिद्ध किया है कि वह नियोजक के यहाँ 240 दिन से अधिक काम कर चुका था तथा उसे हटाने के समय उसमें कनिष्ठ श्रमिक नियोजक के नियोजन में मौजूद थे और उसे हटाने के पश्चात् कुछ नये लोगों को नियोजन में भी लिया गया था। इस तरह धारा 25-एफ, जी व एच की अवहेलना की गयी है तथा श्रमिक को सेवा में पृथक् किया जाना अनुचित है और वह पिछले संपूर्ण सज्जरी व सेवा की निरंतरता सहित पुनः सेवा में नियुक्त होने का अधिकारी है तथा इस निर्देश को इसी प्रकार उन्नति किया जाता है।

इस अधिनियम का भारत सरकार, श्रम मंत्रालय, नई दिल्ली को नियमानुसार प्रकाशनार्थ भिजवाया जावे।

जगदीश नारायण शर्मा, न्यायाधीश

नई दिल्ली, 24 सितम्बर, 1993

का.आ. 2191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के सबूद नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 मुंबई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-9-93 को प्राप्त हुआ था।

[संख्या एन-12012/83/90-आई आर (बी III)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 24th September, 1993

S.O. 2191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 23-9-93.

[No. L-12012/83/90-IR. (BIII)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, BOMBAY

Reference No. CGIT-60 of 1990

PRESENT:

Shri Justice R. G. Sindhakar, Presiding Officer.

PARTIES :

Employers in relation to the management of State Bank of India.

AND
Their Workmen

APPEARANCES:

For the Management—Shri Shintre, Advocate.

For the Workmen—No appearance.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, dated the 15th day of September, 1993

AWARD

The following reference has been made by Government of India, Ministry of Labour on 20th August, 1990:

"Whether the action of the management of State Bank of India in relation to its Ichalkaranji branch, in not taking on duty Smt. Indubai B. Shambhushetty, Sweeper-cum-Water woman w.e.d. 28-4-87 is justified? If not, to what relief the workman is entitled to?"

2. The workman filed statement of claim, has stated therein. The applicant Smt. Indubai who was working as a Sweeper-cum-Water woman with effect from 1-3-1983 in Ichalkaranji branch in Kolhapur District on monthly salary of Rs. 930. According to statement of claim, she was not permitted to work from 28th April, 1987. She, therefore given notice through Advocate dated, 18-6-1987 asking the Bank to take her back on duty. The Bank, though it had received the notice did not give her employment and therefore, she has filed this application.

3. On behalf of the Bank, written statement has been filed. It is admitted that she was working as a part-time Sweeper-cum-Water woman in Ichalkaranji branch. In February 1987 consequent upon retirement of permanent Sweeper-cum-Water woman Smt. Indubai was employed as a temporary Sweeper-cum-Water woman on full time basis initially for a period of 88 days. When the worker Indubai was being considered for being employed on permanent post it was noticed that she was 47 years of age and was 'over age'. Initial appointment of part-time Sweeper was made in the discretion of the Branch Manager and criteria for age was not strictly followed. However, age limit for appointment at relevant time was 24 years, while, Indubai was found to be of 48 years of age. Thus, in 1982 February, even at the time of appointment of part-time Sweeper, she was beyond the age limit. Under the circumstances, the Bank states, the appointment could not be made and she was informed accordingly. Lastly it is stated that at the most a token compensation may be awarded to her.

4. Though on earlier occasions Indubai was represented by an Advocate on the date of hearing, it was found that there was no appearance either of Smt. Indubai or on her behalf. On earlier occasion that is on 3-8-1993 Shri Magdum Advocate who was appearing on her behalf had sent a telegram for adjournment. The same was granted. The matter was adjourned to 3-9-1993 on which date as stated earlier, there was no appearance on behalf of Smt. Indubai.

5. Mr. Shintre Advocate on behalf of Bank submitted written arguments in addition to oral submission. It is obvious that there has been termination of services inasmuch as she was not allowed to work with effect from 28-4-1987. This is stated in para 5 of the written statement. The reason for this given by the Bank is that she could not be appointed in the permanent vacancy caused by retirement because she was not within the age limits prescribed by the rules. Earlier, when she was appointed as part-time Sweeper because it was in the discretion of Bank Manager to do so. Criteria for age is not strictly followed in case of initial part time appointment. However, when it came to making a permanent appointment rule has to be applied. Applying the same it was not possible to appoint her as she was beyond the age limit. In view of this circumstance it is not possible to hold that the management's action was not justified. The reference is accordingly answered and award made.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 27 सितम्बर, 1993

का.आ. 2192—जब कि सैमर्स हरबर्ट्सन्स लिमिटेड, ईवाई हाऊस, 22, हॉर्मी मोदी स्ट्रीट, बम्बई-400023 आच

दिल्ली, लखनऊ, रायपुर, चंडीगढ़, फरीदाबाद, कलकत्ता, पटना, असम, मद्रास, सिकन्दराबाद, बंगलौर, बम्बई, इंदौर और अहमदाबाद ने इसके आगे यह प्रतिष्ठान के रूप में संदर्भित है) कर्मचारी भविष्य निधि योजना 1952 (1952 की 19) (इसके आगे इसे योजना के रूप में संदर्भित किया गया है) के अनुच्छेद 27-क के अंतर्गत छूट के लिए आवेदन किया है।

और जबकि केन्द्रीय सरकार की राय है कि अंशदान की दर के संबंध में प्रतिष्ठान के भविष्य निधि नियम कर्मचारियों के प्रति, उक्त अधिनियम के खंड 6 में विनिर्दिष्ट कर्मचारियों से, कम अनुकूल नहीं है व कर्मचारियों को भविष्य निधि के अन्य लाभ भी सुलभ हैं जो समग्र रूप से कर्मचारियों के प्रति, उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (इसके बाद इसे योजना के रूप में संदर्भित किया गया है) के अंतर्गत, इसी प्रकार के किसी अन्य प्रतिष्ठान के कर्मचारियों को प्राप्त लाभों से, कम अनुकूल नहीं है ;

अतः अब केन्द्रीय सरकार उक्त योजना के अनुच्छेद 27-क के अंतर्गत प्रदान शक्तियों का प्रयोग करते हुए और गलन्य अगुसूची में विनिर्दिष्ट शर्तों के आधार पर एतद्वारा उक्त प्रतिष्ठान के प्रबंधकों वर्ग से संबंधित कर्मचारियों को उक्त योजना के सभी उपबंधों के प्रवर्तन से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोक्ता, उक्त अधिनियम की क. भ. नि. योजना, 1952 के पैरा 27क के अंतर्गत केन्द्र सरकार द्वारा समय-समय पर दिये गये निर्देश के अनुसार निरीक्षण के लिये सुविधाएँ प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के भीतर करेगा।

2. इस प्रतिष्ठान की भविष्य निधि नियमावली के अंतर्गत देय अंशदान की दर, किसी गैर छूट प्राप्त प्रतिष्ठान के संबंध में उक्त अधिनियम और इसके अंतर्गत बनायी गयी योजना के अंतर्गत देय दर से कम नहीं होगा।

3. अग्रिम के संबंध में छूट प्राप्त प्रतिष्ठान की योजना कर्मचारी भविष्य निधि योजना, 1952 से कम लाभदायक नहीं होनी चाहिये।

4. उक्त योजना में कोई भी संशोधन, जो प्रतिष्ठान के विद्यमान योजना की तुलना में कर्मचारियों के लिये ज्यादा लाभदायक है, स्वतः ही प्रतिष्ठान पर लागू हो जायगी। उक्त प्रतिष्ठान के भविष्य निधि नियमों में कोई भी संशोधन क्षेत्रीय भविष्य निधि आयुक्त की पूर्ण स्वीकृति के बिना नहीं किया जायगा तथा जब कियो संशोधन के द्वारा उक्त प्रतिष्ठान के कर्मचारियों के हितों के प्रभावित होने की संभावना हो, स्वीकृति देने के पूर्व क्षेत्रीय भविष्य निधि आयुक्त कर्मचारियों को अपने दृष्टिकोण प्रस्तुत करने का समुचित समय देगे।

5. उन सभी कर्मचारी [उक्त अधिनियम की धारा 2(च) में यथा परिभाषित] जो यदि स्थापना को छूट न दी गयी

होती तो व भविष्य निधि के सदस्य बनने के पात्र होते, को सदस्य बनाया जायगा।

6. यदि कोई कर्मचारी, जो कर्मचारी भविष्य निधि (सांविधिक) या किसी अन्य छूट प्राप्त प्रतिष्ठान के भविष्य निधि का पहले से ही सदस्य है, उक्त प्रतिष्ठान में नियोजित होता है तो नियोक्ता को उसे तत्काल ही सदस्य के रूप नामांकित करना होगा तथा उसके पूर्ववर्ती नियोक्ता के पास उस कर्मचारी की जमा भविष्य निधि की राशि को अंतरित करवा कर उसके खाते में यह राशि जमा करवाने की व्यवस्था करनी होगी।

7. नियोक्ता, केन्द्रीय भविष्य निधि आयुक्त अथवा केन्द्रीय सरकार, जैसा भी हो, द्वारा समय-समय पर दिये गये निर्देशों के अनुसार भविष्य निधि के प्रबंधन के लिए न्यासी बोर्ड का गठन करेगा।

8. भविष्य निधि न्यासी बोर्ड के पास जमा रहेगी जो अन्य बातों के साथ-साथ भविष्य निधि में प्राप्तियों का उचित हिसाब-किताब तथा उनमें से किए गए भुगतानों तथा उनके पास शेष धनराशि के लिए कर्मचारी भविष्य निधि संगठन के प्रति उत्तरदायी एवं जवाबदेह होगा।

9. न्यासी बोर्ड को प्रत्येक तिमाही में एक बार बैठक होगी तथा बोर्ड, केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त अथवा उसके द्वारा प्राधिकृत किसी अधिकारी द्वारा समय-समय पर जारी किये गये निर्देशों के अनुसार कार्य करेगा।

10. न्यासी बोर्ड द्वारा बनाए गए भविष्य निधि खातों की एक योग्य स्वतंत्र चार्टर्ड लेखाकार द्वारा वर्ष में एक बार लेखा परीक्षा की जाएगी। जहाँ आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त को किसी अन्य योग्य लेखा परीक्षक द्वारा खातों की पुनः लेखा परीक्षा करवाने का अधिकार होगा और उस पर आए व्यय को नियोक्ता द्वारा वहन किया जाएगा।

11. प्रत्येक लेखा वर्ष के लिए प्रतिष्ठान की लेखा-परीक्षित तुलन पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि खातों की एक प्रति वित्तीय वर्ष के समाप्त होने के पश्चात् छः महीने के भीतर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी।

इस प्रयोजनाय भविष्य निधि का वित्तीय वर्ष 1 अप्रैल से 31 मार्च तक होगा।

12. नियोजक स्वयं तथा कर्मचारियों द्वारा देय भविष्य निधि के अंशदान को प्रत्येक उस माह से अगले माह को 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा जिसमें अंशदान देय होता है। नियोजक अंशदान की अदायगी में किए गए किसी विलम्ब के लिए न्यासी बोर्ड को उसी तरह से क्षतिपूर्ति करेगा जिस तरह से उन्हीं परिस्थितियों में एक छूट-प्राप्त प्रतिष्ठान करता है।

13. न्यासी बोर्ड धन की सरकार द्वारा समय-समय पर दिए जाने वाले निर्देशों के अनुसार निधि में निवेशित करेगा। न्यासी बोर्ड के नाम से प्रतिभूति ली जाएगी और उसे भारतीय रिजर्व बैंक के जमा-खाते निवर्ण के अधीन एक अनुसूचित बैंक के अधिकार में रखा जाएगा।

14. न्यासी बोर्ड सरकार द्वारा दिए गए निर्देशों के अनुसार निवेश न करने पर केन्द्रीय भविष्य निधि आयुक्त अथवा उसके प्रतिनिधि द्वारा यथा आरोपित अधिशुल्क को अदा करने के लिए पूरी तरह से और संयुक्त रूप से उत्तरदायी होगा।

15. न्यासी बोर्ड कर्मचारियों के लिये क्रम से एक रजिस्टर रखेगा और व्याज की सामयिक पसूली सुनिश्चित करेगा।

16. न्यासी बोर्ड प्रत्येक कर्मचारी के संबंध में जमा किया गया अंशदान, निकाली गई राशि एवं उस पर व्याज को दशति के लिए एक विस्तृत लेखा रखेगा।

17. बोर्ड प्रत्येक वित्तीय लेखा वर्ष के समाप्त होने के छह माह के अन्दर प्रत्येक कर्मचारी के लिए एक वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड वार्षिक लेखा विवरण जारी करने के बजाए प्रत्येक कर्मचारी को पास-बुक जारी करेगा। वे पास-बुक कर्मचारियों के अधिकार में रहेगी और कर्मचारी बोर्ड को प्रस्तुत करने पर अद्यतन कर दी जाएगी।

19. प्रत्येक कर्मचारी के खाते में प्रत्येक लेखा वर्ष के पहले दिन अथवा जहाँ उसी दर से व्याज की गणना की जाएगी जो न्यासी बोर्ड द्वारा निश्चित किया जाएगा किन्तु वह उस योजना के पैरा 60 के अधीन केन्द्रीय सरकार द्वारा घोषित किए गए दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड निवेश से कम लाभ प्राप्त होने अथवा किसी अन्य कारण से केन्द्रीय सरकार द्वारा घोषित की गई दर पर व्याज देने में असमर्थ है, तो उसकी कमी नियोजक द्वारा पूरी की जाएगी।

21. नियोजक चोरी, धोखाधड़ी, गबन, दुरुपयोग अथवा किसी अन्य कारण से भविष्य निधि को होने वाले किसी अन्य घाटे को भी पूरा करेगा।

22. नियोजक और न्यासी बोर्ड भी केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त द्वारा समय-समय पर यथा निर्धारित विवरणियाँ क्षेत्रीय भविष्य निधि आयुक्त को भेजेंगे।

23. यदि ऐसे मामलों में, जिनमें उपरोक्त योजना के पैरा 69 के तहत निधि से किसी कर्मचारी की सदस्यता समाप्त हो जाती है, प्रतिष्ठान की भविष्य निधि नियमावली में कर्मचारी के अंशदान को जमा करने का प्रावधान है, तो न्यासी बोर्ड इस तरह से जब्त की गई धनराशि के लिए अलग से लेखा-जोखा रखेगा और केन्द्रीय भविष्य निधि आयुक्त के पूर्व-अनुमोदन पर यथा निर्धारित प्रयोजनों के लिए उसका उपयोग करेगा।

24. प्रतिष्ठान की भविष्य निधि नियमावली में निहित किसी बात के होने हुए भी सेवा निवृत्ति अथवा किसी अन्य प्रतिष्ठान में रोजगार प्राप्त करने पर किसी व्यक्ति की भविष्य निधि की सदस्यता समाप्त होने पर पाया गया कि यदि प्रतिष्ठान की भविष्य निधि नियमावली के अंतर्गत अपवर्तित इत्यादि भविष्य निधि अंशदान दर सांविधिक योजना के अंतर्गत दी गयी दर की तुलना में अनुकूल नहीं है तो उसका अन्तर नियोजना द्वारा वहन किया जायेगा।

25. खातों की तैयार करना, विवरणियाँ प्रस्तुत करना, संविदा राशि का अन्तरण इत्यादि सहित भविष्य निधि के सभी प्रशासनिक नियोजना द्वारा वहन किए जायेंगे।

26. नियोजता, समुचित प्राधिकारी द्वारा अनुमोदित तथा समय-समय पर यथा संशोधित भविष्य निधि नियमावली, उसका प्रमुख बातों को उस भाषा में जोकि वहाँ पर अधिकांश कर्मचारियों द्वारा बोली जाती है के अनुवाद सहित, प्रतिष्ठान, के नोटिस बोर्ड पर प्रदर्शित करेगा।

27. "समुचित सरकार" इस संबंध में प्रतिष्ठान को छूट जारी रखने के लिए कुछ और शर्तें निर्धारित कर सकती है।

28. यदि उक्त अधिनियम के अंतर्गत भविष्य निधि अंशदान की दर बढ़ायी जाती है तो कर्मचारी भविष्य निधि अंशदान की दर में समुचित वृद्धि करेगा जिससे कि प्रतिष्ठान की भविष्य निधि, योजना के अंतर्गत दिए जाने वाले लाभ उक्त अधिनियम के अंतर्गत दिये गये लाभों से कम लाभकारी नहीं हों।

29. उपर्युक्त शर्तों में किसी का भी उल्लंघन होने पर छूट को रद्द किया जा सकता है।

[सं. एस-35014/8/92 एस एस II.]

जे. पी. शर्मा, अवर सचिव

New Delhi, the 27th September, 1993

S.O. 2192.—Whereas Messrs. Herbertsons Ltd. Ewart House 22 Homy Mody St., Bombay-400023 Branches : Delhi, Lucknow, Jaipur, Chandigarh, Faridabad, Calcutta, Patna, Cuttack, Assam, Madras, Secunderabad, Cochin, Bangalore, Bombay, Indore and Ahmedabad (hereinafter referred to as the said establishment) has applied for exemption under para 27-A of the Employees' Provident Funds Scheme 1952 (19 of 1952) (hereinafter referred to as the said scheme):

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under

the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character,

Now, therefore, in exercise of the powers conferred under para 27-A of the said Scheme and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the employees belonging to the managerial class of the said establishment from the operation of all the provisions of the said Scheme.

THE SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under para 27-A of the E.P.F. Scheme 1952 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishment and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishments shall not be less favourable than the Employees' Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the Provident Fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees as defined in section 2(f) of the said Act who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and pay-

ments from the Provident Fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government, Central Provident Fund Commissioner or any officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts reaudited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For the purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees fund shall be kept in the custody of a scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script-wise register and ensure timely realisation of interest.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of accounts to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement of accounts, issue pass books to every employees. Those pass book shall remain in the custody of the employees and will be brought uptodate by the Board on presentation by the employees.

19. The accounts of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as

may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe for time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees' contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution, rate of forfeiture etc., under the P.C. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer or accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith translation of the salient points hereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35014/8/92-SS. II]

J. P. SHUKLA, Under Secy.

2194 GI 93—10

शुद्धिपत्र

नई दिल्ली, 27 सितम्बर, 1993

का. आ. 2193—भारत के राजपत्र के भाग II, खंड-3, उपखंड (ii) में दिनांक 25 मई, 1991 को प्रकाशित भारत सरकार, श्रम मंत्रालय की अधिसूचना संख्या का.आ. 1478, दिनांक 6 मई, 1991 में पृष्ठ 2371 पर पंक्ति 22 में कलकत्ता के बाद मद्रास जोड़ दिया जाए।

[एस.-35015/3/91-एस.एस.-II]

जे. पी. शुक्ला, अवर सचिव

CORRIGENDUM

New Delhi, the 27th September, 1993

S.O. 2193.—In the Notification of the Government of India in the Ministry of Labour No. S.O. 1478 dated 6th May 1991 published in the Gazette of India Part II Section 2 Sub-Section (ii) dated 25th May, 1991, at page 2373 in line 13 after Calcutta, Madras shall be added.

[No. S-35015/3/91-SS-II]

J. P. SHUKLA, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 27 सितम्बर, 1993

का. आ. 2194—भारत सरकार, श्रम मंत्रालय द्वारा दिनांक 24 अप्रैल, 1993 को भारत के राजपत्र, भाग—II, खंड 3(ii) के पृष्ठ 1204 और 1205 पर प्रकाशित अधिसूचना का. आ. सं. 808, दिनांक 30 मार्च, 1993 के पैरा 3 के स्थान पर निम्नलिखित प्रतिस्थापित किया जाये:—

“यदि, केन्द्र सरकार द्वारा जारी प्रतिभूतियों पर व्याज तथा विशेष जमा राशियों पर व्याज के रूप में कोई धनराशि प्राप्त होती है, तो ऐसी धनराशि का निवेश विशेष जमा योजना में किया जायेगा। इसी तरह ऐसी प्रतिभूतियों से प्राप्त व्याज का निवेश राज्य सरकारों द्वारा जारी प्रतिभूतियों या सरकार द्वारा गारंटीयुक्त प्रतिभूतियों में किया जा सकता है।

[संख्या जी-27031/2/89-एस.एस.-II]

जे. पी. शुक्ला, अवर सचिव

CORRIGENDUM

New Delhi, the 27th September, 1993

S.O. 2194.—In the notification S.O. No. 808 dated the 30-3-93 of the Government of India in the Ministry of Labour published on the 24th April, 1993 in the Gazette of India, Part-II section 3(ii) on pages 1204 and 1205 for para 3 of the notification the following shall be substituted :—

“Where moneys are received by way of interest on securities issued by Central Government and interest on Special Deposits, such moneys can be invested under the Special Deposit Scheme. Similarly, investments can be made in securities issued by State

Government or securities guaranteed by Government, the interest realised on such securities.

[No. G-27031/2/89-SS. II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 27 सितम्बर, 1993

का. आ. 2195.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स लखारिया फ्लोरिंग स्टोन कंपनी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोटा (राज.) के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-93 को प्राप्त हुआ था।

[सं. एल-29012/9/89-आई. आर. (विविध)]

बी. राम डेविड, डेस्क अधिकारी

New Delhi, the 27th September, 1993

S.O. 2195.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kota (Rajasthan) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Lakharia Flooring Stone Co. and their workmen, which was received by the Central Government on 24-9-1993.

[No. L-29012/89/IR2(Misc)]

B. M. DAVID, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/रा./

निर्देश प्रकरण क्रमांक: औ. न्या.-3/1989

दिनांक स्थापित: 24/4/89

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क्रमांक एल. 29012/9/89/आई.आर. (विविध) दिनांक 10/4/89

औद्योगिक विवाद अधिनियम, 1947

मध्य

बशीर मोहम्मद पुत्र श्री ईदा-भाई द्वारा क्षेत्रीय मंत्री,

हिन्दु मजदूर मभा, बंगाली कालोनी, छावनी, कोटा।

—प्रार्थी श्रमिक

एवं

मैसर्स लखारिया फ्लोरिंग स्टोन कंपनी, मुकेत जिला कोटा।

—प्रतिपक्षी नियोजक

उपस्थित

श्री जगदीश नारायण शर्मा,

आर. एच. जे. एम.

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—श्री एन. के. तिवारी
प्रतिपक्षी नियोजक की ओर से — कोई उपस्थित नहीं
अधिनिर्णय दिनांक: 7 अगस्त, 1993

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न-निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम, 1947" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) व उपधारा (2-क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है:—

"Whether the termination of services of Shri Bashir Mohd., Mining Mate by M/s. Lakharia Flooring Stone Co., Distt. Kota w.e.f. 16-9-1988 is justified. If not, what relief the workman is entitled to?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। अपने क्लेम में श्रमिक बशीर मोहम्मद ने कहा है कि उसे मैसर्स लखारिया फ्लोरिंग स्टोन कंपनी मुकेत जिला कोटा (जिसे तदुपरान्त "प्रतिपक्षी नियोजक/प्रबंधक वर्ग" से सम्बोधित किया जावेगा) द्वारा 1-1-81 से माईनिंग सुपरवाइजर के पद पर नियोजित किया गया था और 11-12-87 से उसे माईनिंग मैट बना दिया गया और 16-9-88 से बिना कोई पूर्व सूचना और कारण बताये नौकरी से निकाल दिया दिनांक 1-1-81 से 15-9-88 तक श्रमिक ने निरन्तर कार्य किया है और 240 दिन से अधिक समय तक कार्य किया है। श्रमिक को नौकरी से निकालने से पूर्व न तो एक माह का नोटिस अथवा नोटिस वेतन दिया गया और न छंटनी का मुआवजा दिया गया है। इसके अतिरिक्त उसे नौकरी से निकालने के समय उससे कनिष्ठ कई श्रमिक नियोजक के नियोजन में मौजूद थे और श्रमिक को नौकरी से निकालने के बाद कई नये श्रमिक भी नियोजित किये हैं, इस तरह धारा 25-एफ, जी. एच की अवहेलना की गयी है।

3. प्रतिपक्षी नियोजक तामील के बावजूद उपस्थित नहीं हुआ और ऐसी स्थिति में उसके विरुद्ध दिनांक 3-8-89 को एक पक्षीय कार्यवाही की गयी।

4. एकपक्षीय साक्ष्य में श्रमिक ने स्वयं का शपथ-पत्र प्रस्तुत किया है जिसमें उसने कहा है कि उसे 1-1-81 से नियोजित किया गया था और उसने 15-9-88 तक लगातार प्रतिपक्षी के यहां काम किया और 16-9-88 से उसे बिना कोई कारण और पूर्व सूचना के नौकरी से निकाल दिया गया। उसने 30-11-88 को ड्यूटी पर लिये जाने के सम्बन्ध में एक प्रार्थना-पत्र भी नियोजक को दिया था, उसकी प्रति प्रदर्श डब्ल्यू. 3 व डाक रसीद प्रदर्श डब्ल्यू 4 है। उसने कहा है कि उसे

नौकरी में निक

वेतन या मुआवजा नहीं दिया गया। इन तथ्यों का काद खण्डन प्रतिपक्षी को ओर से नहीं किया गया है। अतः श्रमिक ने यह सिद्ध किया है कि उसने नियोजक के यहां 240 दिन से अधिक कार्य कर लिया था और नौकरी से हटाने से पूर्व उसे कोई नोटिस अथवा नोटिस वेतन या मुआवजा नहीं दिया गया इस तरह धारा 25-एफ अधिनियम, 1947 की पालना नहीं की गयी, अतः उसे सेवा से पृथक किया जाना अनुचित एवं अवैध है।

5. जहाँ तक राहत का प्रश्न है, श्रमिक ने अपने शपथ-पत्र में कहा कि वह नौकरी से हटाये जाने के दिन से बेरोजगार है, इन परिस्थितियों में श्रमिक पिछली सम्पूर्ण मजदूरी व सेवा की निरन्तरता सहित पुनः सेवा में आने का अधिकारी पाया जाता है।

6. उल्लेखित सम्पूर्ण विवेचन के आधार पर भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इस प्रकार उत्तरित किया जाता है कि श्रमिक बशीर मोहम्मद को प्रतिपक्षी नियोजक मैसर्स लखारिया फ्लोरिंग स्टोन कंपनी, सुकेत जिला कोटा द्वारा दि. 16-9-88 से सेवा से पृथक करना उचित नहीं है, फलस्वरूप श्रमिक पिछली सम्पूर्ण मजदूरी व सेवा की निरन्तरता सहित पुनः सेवा में लिये जाने का अधिकारी है।

इस अधिनिर्णय को भारत सरकार, श्रम मंत्रालय, नई दिल्ली को नियमानुसार प्रकाशनार्थ भिजवाया जावे।
जगदीश नारायण शर्मा,
न्यायाधीश

नई दिल्ली, 28 सितम्बर, 1993

का. आ. 2196.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय लोक निर्माण विभाग के प्रबन्धित के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है जा केन्द्रीय सरकार को 24-9-93 को प्राप्त हुआ था।

[सं. एल-42011/39/88-डी. (2) बी]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 28th September, 1993

S.O. 2196.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CPWD and their workmen, which was received by the Central Government on 24-9-93.

[No. L-42011/39/88-D.2(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 113/89

In the matter of dispute between :

Shri Surjit Singh and two others
represented by CPWD Mazdoor Union,
E-26, Old Qtr., Raja Bazar,
Baba Kharak Singh Marg,
New Delhi-110001.

Versus

Director General of Works,

CPWD, Nirman Bhawan, New Delhi.

APPEARANCES :

Shri B. K. Pershad for the workmen.

Shri U. M. Kalra for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/39/88-D. 2(B) has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the demand of the Union for regularising the services of Shri Surjit Singh and Shri Harbhajan Singh as Asstt. Operator w.e.f. 12-1-87 in the Pay Scale of Rs. 800-1150 and Shri Prasan Kumar as Wireman w.e.f. 12-3-87 in the Pay Scale of Rs. 950-1500 is justified. If yes to what relief the workmen are entitled to?”

2. Shri Pershad has made statement that the dispute regarding Surjit Singh and Harbhajan Singh has since been settled and no dispute exists for adjudication by this court and he has been instructed by both these workmen not to press the dispute and request for a no dispute award in this case.

3. In view of his statement a no dispute award is passed in this case leaving the parties to bear their own costs.

21st September, 1993.

GANAPATI SHARMA, Presiding Officer

नई दिल्ली, 28 सितम्बर, 1993

का. आ. 2197.—लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि नियम, 1978 के नियम 3 के उप-नियम (2) के साथ पठित लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 (1976 का 61) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा आन्ध्र प्रदेश राज्य के लिए मलाह-कार समिति का निम्नानुसार गठन करती है, अर्थात्:—

(1) श्रम मंत्री,

—अध्यक्ष

अध्यक्ष,

आन्ध्र प्रदेश सरकार,

हैदराबाद

- (2) कल्याण आयुक्त,
हैदराबाद (उपाध्यक्ष)
(पदेन)
- (3) अवीर्य श्रमायुक्त (के.)
हैदराबाद (पदेन)
- (4) निदेशक, खान सुरक्षा महानिदेशालय,
हैदराबाद श्रेव-1, सदस्य
हिल फोर्ट रोड,
हैदराबाद (आन्ध्र प्रदेश) (पदेन)
- (5) श्री पी. जे. अम्रुता कुमारी, राज्य विधान मंडल
विधान सभा सदस्य, प्रतिनिधि
पालाकोन्डा
- (6) श्री उमा शंकर
प्रबंध निदेशक,
एफ ए सी ओ आ
श्री राम नगर-532101
जिला-विजयनगर
- (7) श्री एस. एन. सेठ,
एजेंट,
सेमर्स आर. बी. एम. एस.
डी. एण्ड एफ. एन. दास,
श्री रामनगर,
विजयनगरम्
- (8) श्री सीताराम अग्रवाल,
महाप्रबंधक,
फेरो अलॉयज, लिमिटेड,
एन. ए. डी. कोठा रोड जं.,
विशाखापट्टनम्-530009
- (9) श्री पी. पुरुषोत्तम रेड्डी,
अध्यक्ष,
फेरो अलॉयज कार्पोरेशन
वर्कर्स, यूनियन,
डोमलागुडा, हैदराबाद
- (10) श्री श्री. एन. नारायण राव,
महासचिव,
फेरो अलॉयज कार्पोरेशन
वर्कर्स यूनियन, गारिविडी,
जिला-विजयनगरम्
- (11) श्री सीताराम राजू,
इटक नेता,
हिन्दुस्तान शिपयार्ड,
विशाखापट्टनम्
- (12) श्रीमती एम. जयालक्ष्मी नायडू,
क्वा. सं. 13, अरासावल्ली, महिला प्रतिनिधि
श्रीकाकुलम
- (13) कल्याण प्रशासक,
श्रम कल्याण संगठन,
हैदराबाद सचिव

2. सलाहकार समिति का मुख्यालय हैदराबाद में होगा।

[सं. यू-19012/10/90-डब्ल्यू-II(सी)]

बी. डी. नागर, अवर सचिव

New Delhi the 28th September, 1993

S.O. 2197. In exercise of the powers conferred by section 5 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) read with sub-rule (2) of rule 3 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines labour Welfare Fund Rules, 1973, the Central Government hereby constitutes an Advisory Committee for the State of Andhra Pradesh as follows namely :—

- (1) Minister for Labour,
Government of Andhra Pradesh,
Hyderabad. Chairman
- (2) Welfare Commissioner,
Hyderabad. Vice-Chairman
(Ex-officio)
- (3) Regional Labour Commissioner,
(Central, Hyderabad. Member
(Ex-officio)
- (4) Director, Directorate-General of
Mines Safety, Member
(Ex-officio)
Hyderabad Region-I,
Hill Fort Road, Hyderabad.
(A.P.)
- (5) Smt. P.J. Amruthakumari,
M.L.A. Representative of
Palakonda. the State
Legislature
- (6) Shri Uma Shankar Agarwal,
Managing Director,
FACOR,
Sree Ram Nagar-532 101,
Vizianagaram District.
- (7) Shri S.N. Seth,
Agent,
M/s R.S.S.D. & F.N. Das,
Shreeramnagar,
Vizianagaram.
- (8) Shri Sitaram Agarwal,
General Manager,
Ferro Alloys Limited,
NAD Kotha Road Jn.,
Visakhapatnam-530 009.
- (9) Shri P. Purushotham Reddy,
President,
Ferro Alloys Corporation
Workers Union,
Domalaguda,
Hyderabad.
- (10) Shri B.N. Narayana Rao,
General Secretary,
Ferro Alloys Corporation
Workers Union,
Garividi,
Vizianagaram District.
- (11) Shri C. Seetharam Raju,
INTUC Leader,
Hindustan Shipyard,
Visakhapatnam.
- (12) Smt. M. Jayalakshmi Naidu,
Qrt. No. 13, Arasavalli,
Srikakulam. Woman
Representative
- (13) Welfare Administrator,
Labour Welfare Organisation,
Hyderabad. Secretary

2. The headquarter of the Advisory Committee shall be at Hyderabad.

[No. U-19012/10/90-WII(C)]
V.D. NAGAR, Under Secy.